

# SELECT BOARD

## March 26, 2019

### Needham Town Hall

### Agenda

*Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.*

	<b>6:00</b>	Affordable Housing Trust (Great Plain Room)
	<b>6:45</b>	Informal Meeting with Citizens <i>One or more members of the Select Board will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Select Board's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
<b>1.</b>	<b>7:00</b>	Public Hearing- Underground Fuel 245 Country Way <ul style="list-style-type: none"> <li>Dan Velonis, Keystone Development Corp.</li> </ul>
<b>2.</b>	<b>7:05</b>	2019 Annual Town Meeting Warrant Zoning Articles <ul style="list-style-type: none"> <li>Paul Alpert, Chair, Planning Board</li> <li>Lee Newman, Director, Planning &amp; Community Development</li> </ul>
<b>3.</b>	<b>7:25</b>	Rotary Club Carnival <ul style="list-style-type: none"> <li>Ted Shaughnessy, Rotary Club</li> </ul>
<b>4.</b>	<b>7:30</b>	Babson College Scholarships <ul style="list-style-type: none"> <li>Sandra Cincotta, Support Services Manager</li> </ul>
<b>5.</b>	<b>7:40</b>	2019 Annual Town Meeting Warrant/Citizens' Petition <ul style="list-style-type: none"> <li>Josh Levy, Petitioner</li> </ul>
<b>6.</b>	<b>7:50</b>	Town Manager <ul style="list-style-type: none"> <li>Authorize Lease of Structures</li> <li>Open Special Town Meeting Warrant</li> <li>Annual Town Meeting Warrant</li> </ul>
<b>7.</b>	<b>8:15</b>	Board Discussion <ul style="list-style-type: none"> <li>Committee Reports</li> </ul>
<b>8.</b>	<b>8:30</b>	Executive Session Exception 3- Potential Litigation & Collective Bargaining

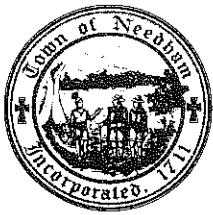
### APPOINTMENTS

1.	Human Rights Committee	Tracy McKay (Term expires 6/30/2022)
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### CONSENT AGENDA      \*=Backup attached

1.	Accept the following donation made to the Needham Community Revitalization Trust Fund: \$200 from the Rotary Club of Needham.
2.	Accept the following donations made to the Needham Park and Recreation Commission's Arts in the Parks Summer Concert Series: \$600 from Louise Condon;

	\$800 from Roche Bros.; \$600 from North Hill Needham, Inc.; and \$500 from the Needham Cultural Council.
3.	Accept the following donations made to the Needham Park and Recreation Commission: Two Tabletop Air Hockey Tables from the Needham Community Council- estimated value of \$80 each; and one Tabletop Basketball Hoop from Patrick Thornton- estimated value of \$125.
4.*	Water & Sewer Abatement Order #1271
5.*	Approve a Special One Day Wines & Malt Beverages License for Marsha Smith, of the Ellen M. Gifford Sheltering Home Corporation to hold its “A Feline Affair to Remember” event on Saturday, April 27, 2019 from 5:30 p.m. to 9:30 p.m. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.
6.*	Approve Open Session minutes from March 12, 2019.



# TOWN OF NEEDHAM, MA

500 Dedham Ave  
Needham, MA 02492  
781-455-7550 Ext. 220

NEEDHAM AFFORDABLE  
HOUSING TRUST

## **Needham Affordable Housing Trust Meeting Agenda March 26, 2019**

- I. Welcome to Avery Newton**
- II. Status of Fund**
- III. Small Grant Repair Program**
- IV. Other Housing Issues**
- V. Next Meeting Date**



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 03/26/2019**

<b>Agenda Item</b>	Public Hearing: Application for a License to Store Fuel Underground at 245 Country Way, Needham
<b>Presenter(s)</b>	Dan Velonis, Keystone Development Corp.

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	Keystone Development Corp is requesting a license for Devaney Energy to install (1) 1,000 gallon UG propane fuel tank underground, at 245 Country Way, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Select Board.
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
	<b>Suggested Motion:</b> That the Select Board vote to approve and authorize the Chairman to sign a license for Devaney Energy to install (1) 1,000 gallon UG propane fuel tank underground, at 245 Country Way, Needham.
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<ol style="list-style-type: none"><li>1. Application / License Form / Map</li><li>2. Legal Notice</li><li>3. Certified Abutters List</li><li>4. General By-Law 4.3</li><li>5. Procedures for Filing Applications for Storage of Flammable and Combustible Fluids</li></ol>



Note: Complete upper portion of form and forward to local fire department.  
Do not make application to Department of Fire Services.



## Commonwealth of Massachusetts

Department of Fire Services — Office of the State Fire Marshal

City or Town Needham Date 1/25/19



### APPLICATION FOR LICENSE

For the lawful use of the herein described building... or other structure..., application is hereby made in accordance with the provisions of Chapter 148 of the General Laws, for a license to use the land on which such building... or other structure... is/are or is/are to be situated, and only to such extent as shown on plot plan which is filed with and made a part of this application.

Location of land 245 Country Way Nearest cross street Cranberry Lane  
(Street & Number)  
Owner of land Keystone Development Corp Address 910 Boston Post Rd Suite 310 Marlborough, Ma 01752

Number of buildings or other structures to which this application applies 1

Occupancy or use of such buildings Residential

Total capacity of containers in gallons: — Aboveground \_\_\_\_\_ Underground 1/1000 gallon UG propane tank

Kind of fluid to be stored in containers : — Propane

☒ Approved ☐ Disapproved

[Signature]  
(Head of Fire Dept.)  
2-1-19  
(Date)

Mary Holdsworth  
(Signature of Applicant)  
Devaney Energy 177 Wells Ave Newton, Ma 02459  
(Address)



## Commonwealth of Massachusetts

Department of Fire Services — Office of the State Fire Marshal

City or Town \_\_\_\_\_ Date \_\_\_\_\_



### LICENSE

In accordance with the provisions of Chapter 148 of the General Laws, a license is hereby granted to use the land herein described for the lawful use of the building... or other structure... which is/are or is/are to be situated thereon, and as described on the plot plan filed with the application for this license.

Location of land \_\_\_\_\_ Nearest cross street \_\_\_\_\_  
(Street & Number)

Owner of land \_\_\_\_\_ Address \_\_\_\_\_

Number of buildings or other structures to which this application applies 1

Occupancy or use of such buildings \_\_\_\_\_

Total capacity of containers in gallons: — Aboveground \_\_\_\_\_ Underground \_\_\_\_\_

Kind of fluid to be stored in containers: — \_\_\_\_\_

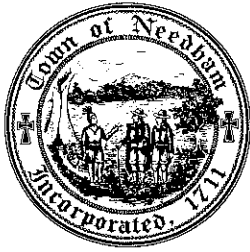
Restrictions - If any: \_\_\_\_\_

\_\_\_\_\_  
Signature of licensing authority

\_\_\_\_\_  
Title

THIS LICENSE OR A PHOTOSTATIC OR CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED IN A PROTECTED PLACE ON THE LAND FOR WHICH IT IS GRANTED





**LEGAL NOTICE  
Town of Needham  
Select Board  
Public Hearing**

Public Notice is hereby given that Devaney Energy has made an application in accordance with the provisions of Chapter 148 of the Massachusetts General Laws, for a license to install (1) 1,000 gallon UG propane fuel tank underground at 245 Country Way, Needham, MA 02492.

Upon said application it is hereby ORDERED: That a Public Hearing be held at the office of the Select Board, Town Hall, 1471 Highland Avenue, Needham, MA, Tuesday, March 26, 2019 at 7:00 pm, at which time all persons interested may appear and be heard.

Daniel P. Matthews  
John A. Bulian  
Maurice Handel  
Matthew D. Borrelli  
Marianne Cooley

SELECT BOARD

Dated: The Boston Globe, March 14, 2019



# 245 COUNTRY WAY FUEL STORAGE

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP	PARCEL ID	PROPERTY ADDRESS
BERMAN, NEIL JEFFREY +	BERMAN, MERLE	4 WOODS END	NEEDHAM	MA	02492	1992120004400040	4 WOODS END
RAISMAN, ERIC C. &	RAISMAN, JESSICA H.	245 COUNTRY WAY	NEEDHAM	MA	02492	1992120005900000	245 COUNTRY WAY
MILLER, JUDITH &	MILLER, ALANA	23 LOCKE RD	WABAN	MA	02468	1992120005000000	264 COUNTRY WAY
NATHANSON, MICHAEL J. &	NATHANSON, DAWN M.	123 COUNTRY WAY	NEEDHAM	MA	02492	1992130003200000	123 COUNTRY WAY
WOOD'S END CONDOMINIUM TRUST	MASTER CARD	WOODS END	NEEDHAM	MA	02492	1992120004400000	0 WOODS END
TZOUROS, CLAIRE A.		12 CRANBERRY LN	NEEDHAM	MA	02492	1992120002900000	12 CRANBERRY LN
ROY, JAMES D. & PAULA	C/O BROWN, WADE A. & MEGAN C.	1 WOODS END	NEEDHAM	MA	02492	1992120004400010	1 WOODS END
MARGULIAN, ANNA	C/O MARGULIAN, ANNA & PRADHAN, PRATIK S.	233 COUNTRY WAY	NEEDHAM	MA	02492	1992120005800000	233 COUNTRY WAY
WEINSTEIN, DENISA		24 SCOTT RD	NEEDHAM	MA	02492	1992130002400000	24 SCOTT RD
HEAD, DANIEL G. JR. &	HEAD, KAREN S.	7 CRANBERRY LN	NEEDHAM	MA	02492	1992120005500000	7 CRANBERRY LN
ALTMAN, SETH L. &	LIN, PYNG Y.	70 GATEWOOD DR	NEEDHAM	MA	02492	1992120004600000	70 GATEWOOD DR
ROCHE, DANIEL F. TRUSTEE	THE EDR NOMINEE TRUST	232 COUNTRY WAY	NEEDHAM	MA	02492	1992120005200000	232 COUNTRY WAY
257 COUNTRY WAY LLC	C/O PATTI, ADAM S. & STEPHANIE P.	257 COUNTRY WAY	NEEDHAM	MA	02494	1992120006000000	257 COUNTRY WAY
ZAIS, GREGORY N. &	ZAIS, DIANA P.	155 COUNTRY WAY	NEEDHAM	MA	02492	1992130002300000	155 COUNTRY WAY
POWERS, SALLY B.		47 SCOTT RD	NEEDHAM	MA	02492	1992130003000000	47 SCOTT RD
BOULIRIS, CAROL J.	C/O TOWNSEND, LOREL E. TR.	203 COUNTRY WAY	NEEDHAM	MA	02492	1992120005700000	203 COUNTRY WAY
KILLEEN, KEVIN P. &	KILLEEN, TARA L.	339 COUNTRY WAY	NEEDHAM	MA	02492	1992130002800000	339 COUNTRY WAY
SMITH, MELISSA D.		296 BRIDLE TRAIL RD	NEEDHAM	MA	02492	1992120007300000	296 BRIDLE TRAIL RD
MANDELBRAUT, ALEXANDER TR.	32 SCOTT ROAD REALTY TRUST	32 SCOTT RD	NEEDHAM	MA	02492	1992130002500000	32 SCOTT RD
DAVIS, JONATHAN M. &	DAVIS GRETA W.	2 WOODS END	NEEDHAM	MA	02492	1992120004400020	2 WOODS END
VIRGILIO, CLEMENT +	VIRGILIO, CAROL L.	281 COUNTRY WAY	NEEDHAM	MA	02492	1992120006200000	281 COUNTRY WAY
DIMATTEO, ANDREW R. &	DIMATTEO, DEBORAH B.	290 BRIDLE TRAIL RD	NEEDHAM	MA	02492	1992120007400000	290 BRIDLE TRAIL RD
KELLER, STANLEY &	KELLER, SANDRA F.	325 COUNTRY WAY	NEEDHAM	MA	02492	1992130002700000	325 COUNTRY WAY
MORRIS, SEAN &	MORRIS, MARINA	48 SCOTT RD	NEEDHAM	MA	02492	1992130002600000	48 SCOTT RD
GRAFFMAN, JENNIFER L.		113 COUNTRY WAY	NEEDHAM	MA	02492	1992130003300000	113 COUNTRY WAY
AGNIHOTRI, ARVIND KUMAR &	AGNIHOTRI, LEENA S.	5 WOODS END	NEEDHAM	MA	02492	1992120004400050	5 WOODS END
SWARTZ, JACK F. +	SWARTZ, SANDRA R.	3 WOODS END	NEEDHAM	MA	02492	1992120004400030	3 WOODS END
EUN, SCOTT HUN &	KIM, NAM HEE	269 COUNTRY WAY	NEEDHAM	MA	02492	1992120006100000	269 COUNTRY WAY
FOX, JONATHAN D. &	FOX, STEPHANIE T.	56 GATEWOOD DR	NEEDHAM	MA	02492	1992120004700000	56 GATEWOOD DR
SURR, FRED &	SURR, WENDY	216 COUNTRY WAY	NEEDHAM	MA	02492	1992120005400000	216 COUNTRY WAY
ABRAHAM, ANDREW M. TR. &	ABRAHAM, SUSAN B. TR	185 COUNTRY WAY	NEEDHAM	MA	02492	1992120005600000	185 COUNTRY WAY
RAUCH, BETSY FACHER &	RAUCH, EVAN FACHER	224 COUNTRY WAY	NEEDHAM	MA	02492	1992120005300000	224 COUNTRY WAY
WALDMAN, WENDY L &	WALDMAN, DAVID L	141 COUNTRY WAY	NEEDHAM	MA	02492	1992130003100000	141 COUNTRY WAY
BENTSMAN, LEV &	BENTSMAN, SOPHIA	284 COUNTRY WAY	NEEDHAM	MA	02492	1992120004900000	284 COUNTRY WAY
ROCHE, DANIEL F. TRUSTEE	THE EDR NOMINEE TRUST	232 COUNTRY WAY	NEEDHAM	MA	02492	1992120005100000	0 COUNTRY WAY

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law, to the Best of our knowledge  
for the Needham Board of Assessors.....

**4.1.4 Failure to License.** In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to a fine of fifty dollars (\$50.00), in addition to the license fee, upon the complaint of the dog officer. The owner of any unspayed and unleashed female dog found by the dog officer roaming in season (heat) off the premises of the owner or keeper shall be subject to a fine of fifty dollars (\$50.00). Each such occasion shall constitute separate violations.

**4.1.5 Fees.** The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Selectmen.

## **SECTION 4.2 PUBLIC CARRIAGES AND TAXIS**

**4.2.1 Licenses.** The Board of Selectmen may license hackney carriages or motor vehicles for the conveyance of persons for hire from place to place within the Town and may revoke such licenses at their discretion. A record of all licenses so granted or revoked shall be kept by the Selectmen.

**4.2.2 Penalties.** No person shall set up, use or drive in the Town any unlicensed hackney carriage or motor vehicle for the conveyance of passengers for hire from place to place within the Town. Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars (\$20) for each offense.

**4.2.3 Expiration and Fees.** Licenses shall expire on the thirtieth day of April following the date of issuance, and shall not be transferred without the written consent of the Board of Selectmen. For each license the sum of ten dollars (\$10.00) shall be paid to the Town Treasurer for use by the Town. A license so granted shall become void if the applicant neglects or refuses to take out and pay for his license within ten days after notice that it has been granted.

**4.2.4 Taxi Stands.** The Selectmen may grant to the holder of a license under Section 4.2 a license to use a certain portion of a public way as a taxi stand for the solicitation of passengers for hire and no person shall use any portion of any public way for such purpose without such license. Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars (\$20.00) for each offense.

## **SECTION 4.3 FEES, REGISTRATION APPLICABLE TO FLAMMABLES**

**4.3.1 Statutory Authority.** Pursuant to the authority of M.G.L. Chapter 148, Sections 10A, 13, 38A and 39A, and the Needham Fire Code, there is hereby established a fee schedule for licenses granted by the Board of Selectmen, Annual Certificate of Registration filed with the Town Clerk and Permits granted by the Chief of the Fire Department as follows:

### **4.3.2 Licenses for the Storage of Flammables issued by the Board of Selectmen**

#### **Class A: (all types)**

166	-	40,000 gallons	.	.	.	\$50.00
40,001	-	80,000 gallons	.	.	.	200.00
80,001	-	100,000 gallons	.	.	.	300.00
100,001	-	500,000 gallons	.	.	.	400.00
500,001	-	1,000,000 gallons.	.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	.	800.00

#### **Class B Fuel: (all types)**

501	-	20,000 gallons	.	.	.	50.00
20,001	-	40,000 gallons	.	.	.	100.00
40,001	-	80,000 gallons	.	.	.	200.00
80,001	-	100,000 gallons	.	.	.	300.00
100,001	-	500,000 gallons	.	.	.	400.00
500,001	-	1,000,000 gallons.	.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	.	800.00

#### **Class C Fluids (all types)**

1,001	-	20,000 gallons	.	.	.	50.00
20,001	-	40,000 gallons	.	.	.	100.00
40,001	-	80,000 gallons	.	.	.	200.00
80,001	-	100,000 gallons	.	.	.	300.00
100,001	-	500,000 gallons	.	.	.	400.00
500,001	-	1,000,000 gallons	.	.	.	500.00
over 1,000,000 gallons	.	.	.	.	.	800.00
Flammable Solids 101 lbs and up	.	.	.	.	.	50.00
Flammable Gases (within a building)						
3,001 cubic ft. and up	.	.	.	.	.	50.00
Flammable Gases (outside a building)						
10,001 cubic ft. and up	.	.	.	.	.	50.00
Liquid Petroleum Gases						
500	-	1,000 gallons	.	.	.	50.00
over	-	1,001 gallons	.	.	.	100.00

#### Automobiles

The parking of four or more vehicles in a structure - two dollars (\$2.00) per vehicle, and not less than fifty dollars (\$50.00).

Advertising costs for a hearing by the Board of Selectmen for the issuance of a license for the storage of flammables shall be paid by the applicant.

The annual fees shall include the cost of the initial registration with the Town Clerk. The fee for each annual renewal registration with the Town Clerk shall be the amount herein specified for the original license as set forth above.

### 4.3.3 Permit Fees

Underground Storage Tank Removal	.	.	.	.	\$100.00
Underground Storage Tank Installation	.	.	.	.	100.00
Underground Gasoline Tank Removal	.	.	.	.	100.00
Underground Gasoline Tank Installation	.	.	.	.	100.00

## SECTION 4.4 GENERAL

### 4.4.1 Denial, Revocation or Suspension for Failure to Pay Municipal Taxes.

**4.4.1.1** The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

**4.4.1.2** The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay local taxes, fees, assessments, betterments or any other municipal charges provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license

## **Town of Needham**

### **Procedures for filing Applications for Storage of Flammable & Combustible Fluids**

Licenses, registrations and permits for the storage of flammable or combustible fluids are granted in accordance with Massachusetts General Law, Chapter 148 and the Board of Fire Prevention Regulations. Local licensing boards have the authority to issue licenses for storage and sale of flammable products. Applications for the storage of flammable and combustible fluids are available from the Needham Fire Department.

#### **I. Definition of *license, permit, registration***

1. ***License*** is the permission by competent authority to do an act, which, without such permission, would be unlawful, a trespass, or a tort. A flammable or combustible storage license is applied for and granted by the local licensing authority. The license is granted to the land and not to an individual. Only one license may be issued to a parcel of land. This license may be amended to reflect changes in quantity, conditions or restrictions. The license may be revoked or suspended by the issuing authority. Records of application and public hearing information are maintained by the Board of Selectmen.
2. ***Registration*** is the acknowledgment by competent authority of the act of recording a formal or official record. A flammable or combustible storage registration is applied for annually at the Needham Town Clerk's Office by the holder or occupant of licensed land to inform the town that the license is still active and being exercised. A registration may be granted to an applicant who is handling a license. The registration attests to continued use of the license. Only one registration may be granted for each license. Record of registrations is maintained by the Needham Town Clerk.
3. ***Permit*** is a written authority or warrant, issued by a person in authority, empowering the grantee to do some act not forbidden by law but not allowable without such grant of authority. The law allows certain small quantities of flammable and combustibles to be kept or stored on the land without a license, but with a permit granted by the Needham Fire Chief.

#### **II. The Application Process for Storage of Flammable and Combustible Fluids**

1. Applications for a license or a permit are available at the Fire Department.
2. The Applicant must return the application to the Fire Department with a Plot Plan of the site indicating the area where the fuel is to be stored.
3. The Fire Inspector reviews the application and plot plan to determine whether the applicant requires a license or a permit. The Inspector will also determine the

classification for the storage of the flammable product.

4. When the Fire Inspector specifies the application requires a license a public hearing process is required.
5. The Fire Chief reviews and signs/approves the application. The application is forwarded to the Board of Selectmen.

### **III. The Public Hearing Process for issuance of a License**

1. When an application is received at the Board of Selectmen's Office, the following procedure is followed.
  - a. The Selectmen's Office forwards the application to the Engineering Division for review/approval with respect to the location of utilities on the property. The Engineering Division will also identify the abutters and forward to the Assessor's Office for certification.
  - b. The licensing authority requests a certified abutters list from the Assessor's Office.
  - c. Following the receipt of the abutters list, a date for the public hearing is established [to be held at a scheduled Board of Selectmen's meeting]. The hearing must be scheduled a minimum of seven days after the advertisement of the public hearing.
  - d. The legal notice of the hearing is sent to a local newspaper with an explanation when to advertise and who to bill. The ad must run at least seven days prior to the date of the public hearing.
  - e. The applicant is sent a letter with the following enclosures: the certified abutters list, the legal notice and a copy of the letter sent to the local newspaper.
  - f. The applicant is responsible for obtaining copies of the legal advertisement for each of the individuals on the abutters list.
  - g. The applicant mails each abutter, via certified mail /return receipt, a copy of the legal notice (newspaper ad) not less than seven days prior to the hearing date.
  - h. The applicant is responsible for providing proof of payment for the legal notice to the Selectmen's office prior to the public hearing.
  - i. The applicant returns the following to the Licensing Authority no later



than the Thursday before the scheduled Public Hearing:

- 1) Copies of all Certified Return Receipt Slips sent to abutters.
  - 2) A receipt of payment for the advertisement.
- j. The applicant or his representative must attend the public hearing.
- k. The Licensing Authority will deny/grant the license at the public hearing. There may be restrictions imposed by the Licensing Authority at the time of the hearing.
- l. Upon approval of a license, the licensing authority will forward the license to the office of the town clerk.
- m. The town clerk will record the license. The fee for the license is paid to the town clerk.

Propane fuel storage licenses are granted with the following restrictions: 1) The petitioner agrees to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further making sure that every element satisfies local regulations and industry standards. Evidence of such a systems check must be sent annually to the Needham Fire Department; and 2) The tank, with all its piping and equipment, and the system, when installed, will meet U.S., State and local code regulations, specifications and directives.

A fuel storage license is deemed a grant attached to the land and a certificate of registration must be filed annually on or before April 30<sup>th</sup> by the owner/occupant of the land who holds the license.

Attachments: Application for a License to Store a Flammable Product (Needham)  
Application for License (State Fire Marshal)

April 20, 2001/rev. 2/27/04



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	2019 Annual Town Meeting Warrant Zoning Articles
<b>Presenter(s)</b>	Paul Alpert, Planning Board Chair Lee Newman, Director of Planning & Community Development

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
Mr. Alpert and Ms. Newman will update the Board on the zoning articles contained in the 2019 Annual Town Meeting Warrant.	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<i>Discussion Only.</i>	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
a. 2019 Annual Town Meeting Warrant Draft dated 3.22.2019 provided under separate cover	



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Rotary Club Carnival
<b>Presenter(s)</b>	Ted Shaughnessy, Rotary Club

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
Mr. Shaughnessy will update the Select Board on the third annual Rotary Club carnival to be held at Needham High School from July 11 <sup>th</sup> through 14 <sup>th</sup> .	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<i>Suggested Motion:</i> That the Board vote to endorse the Rotary Club carnival to be held from July 11 through July 15, 2019.	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
a. Carnival Flyer & Information Sheet	





NEEDHAM ROTARY PRESENTS  
THE 3RD ANNUAL NEEDHAM

Kiddie Rides!

# CARNIVAL

FUN FOR THE WHOLE FAMILY!

- ★ Thursday, July 11th  
6pm-10pm
- ★ Friday, July 12th  
6pm-10pm
- ★ Saturday, July 13th  
Noon-10pm
- ★ Sunday, July 14th  
Noon-6pm
- ★ Needham High School

Thrill Carnival Rides!

GAMES!  
RIDES!  
GOODIES!

WIN A PRIZE



## Plan for Rotary Club of Needham Carnival at Needham High School July 11-July 14, 2019

Equipment arrives and Set up starts Sunday July 7, 2019

MA State safety inspection Thursday July 11. Town of Needham inspections and permits July 10 and July 11.

Carnival operating Thur 6-10pm, July 11, Fri 6-10pm July 12, Sat 12-10pm July 13, Sun 12-6pm July 14, nightly clean up

Breakdown, clean up, departure Sun night July 14. Cushing Amusements leaves property as good as or better than when they arrived. Rotary Club personnel check property Monday am.

Carnival equipment and operation will be contained to the lower of the 2 upper parking lots on NHS hill at end of Admiral Gracy drive. Porta potties, dumpster, ticket booths at upper parking lot.

Parking for carnival visitors/patrons will be at NHS other lots, near Gym, on Admiral Gracy Dr, lot between Admiral Gracy Dr and Webster St and Webster St lot and at Memorial Park lot. The carnival people clean their area and every parking lot that is used every night.

This location is fantastic since it keeps all people contained on NHS property without anyone, especially children crossing any streets (just Admiral Gracy Dr).

Cushing Amusements, family owned and run business since 1908. Many locations are 40 year repeat annual visits (City of Newton, Andover, Marblehead, West Tisbury, Woburn). City of Newton has done 2 carnivals per year with Cushing for over 30 years. Reference letters have been reviewed and Newton Mayors office consulted. All employees are CORI checked every year.

Cushing Amusements adds The Town Of Needham and The Rotary Club of Needham to their \$5,000,000 Liability insurance.

Needham Rotary Club adds The Town Of Needham to the Rotary International Liability Insurance policy.

This will be a Fantastic fun FAMILY event for people of Needham, and surrounding towns. The kids and families will love it.

Proceeds to benefit the Rotary Club of Needham, [www.needhamrotaryclub.org](http://www.needhamrotaryclub.org) (scholarships, dictionaries to 3<sup>rd</sup> graders, 4<sup>th</sup> grader foresters trees, Thanksgiving Day dinner for elderly or

anyone, reality fair for high school students, youth leadership program, food packaging event with NHS ( over 19,000 meals), High school landscaping ,Community Council holiday gift drive, Community Council food drive, Spring plants to all senior rehab/assisted living, Community farm bed building, Foreign Exchange students, shelter box to disaster areas, water filtration plant in Honduras, Solar school system in India, Water bore hole in Africa, Nursing program facilities in Afghanistan ....) and Gift Of Life New England Inc [www.golne.org](http://www.golne.org) ( Rotary project providing life saving open heart surgery here and medical surgical missions for children from developing nations)

Needham Rotary contact:

Ted Shaughnessy 617-957-3461 or [tedshaughnessy@comcast.net](mailto:tedshaughnessy@comcast.net)





**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Babson College Scholarships
<b>Presenter(s)</b>	Sandra Cincotta, Support Services Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>								
<p>The Select Board awards scholarships to local residents from a fund made available to the Town from Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. Meredith Stover, Director of Financial Aid at Babson College, Board Chair Daniel Matthews and Sandy Cincotta met recently and reviewed all the applications.</p>									
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>								
<p><i>Suggested Motion:</i> That the Select Board votes to award the Town of Needham Babson Scholarships to the following applicants:</p> <table><thead><tr><th><b>New Applicants</b></th><th><b>Status</b></th></tr></thead><tbody><tr><td>Georgia Bregianos</td><td>Blended Learning MBA, anticipated graduation date August 2019</td></tr><tr><td>Maria Luisa Colon-Figueroa</td><td>Undergraduate student, NHS anticipated graduate, entering Babson September 2019</td></tr><tr><td>Ben Pasco-Anderson</td><td>Evening MBA program, anticipated graduation date is May 2021</td></tr></tbody></table>		<b>New Applicants</b>	<b>Status</b>	Georgia Bregianos	Blended Learning MBA, anticipated graduation date August 2019	Maria Luisa Colon-Figueroa	Undergraduate student, NHS anticipated graduate, entering Babson September 2019	Ben Pasco-Anderson	Evening MBA program, anticipated graduation date is May 2021
<b>New Applicants</b>	<b>Status</b>								
Georgia Bregianos	Blended Learning MBA, anticipated graduation date August 2019								
Maria Luisa Colon-Figueroa	Undergraduate student, NHS anticipated graduate, entering Babson September 2019								
Ben Pasco-Anderson	Evening MBA program, anticipated graduation date is May 2021								
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>								
<p>a. Listing of Awards (confidential)</p>									



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	2019 Annual Town Meeting Warrant/Citizens' Petition
<b>Presenter(s)</b>	Josh Levy, Petitioner

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<p>Mr. Levy will discuss the citizens' petition that he submitted for the 2019 Annual Town Meeting Warrant.</p>	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<p>Discussion Only.</p>	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<p>a. Draft Warrant dated March 22, 2018 provided under separate cover.</p>	





**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Authorize Lease of Structures
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<p>The Town recently issued an RFP for the lease of municipally-owned structures on land leased to the Needham Golf Club. The <i>land</i> is under lease agreement for 20 years; however, State law only allows cities and towns to lease municipal <i>structures</i> for ten years.</p> <p>In accordance with M.G.L. c. 40, section 3, approval of the Select Board is required for the lease of the structures.</p> <p>The Needham Golf Club was the only respondent, with a bid of \$10 per year as well as maintenance and repair of the facilities.</p>	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<p><i>Suggested Motion:</i> That the Board vote to authorize the Town Manager to execute a lease for municipal structures to the Needham Golf Club for a period of ten years.</p>	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<p>a. RFP Released February 6, 2019 b. M.G.L c. 40 sec. 3</p>	

Town Manager  
Needham Town Hall  
1471 Highland Avenue  
Needham, Massachusetts 02492  
Telephone 781-455-7500

**Acknowledgement of Receipt**

Release Date	<b>Wednesday, February 6, 2019</b>
Bid Title	<b>Lease of Structures for the Operation of a Golf Course</b>
Bid Number	<b>19GEN158G</b>
Number of Documents	The Bid Package consists of one (1) PDF document.
Pre-Bid Conference	<b>None</b>
Questions Due	<b>5:00 p.m. Monday, March 4, 2019</b>
Proposals Due	<b>11:00 a.m. Monday, March 11, 2019</b> to Kate Fitzpatrick, Town Manager, Town Hall, 1471 Highland Avenue, Needham, Massachusetts 02492
Please provide the requested information below as acknowledgment that you have received our bid package noted above. It is recommended that interested bidders complete this acknowledgment and return <u>via email at <a href="mailto:pcentral@needhamma.gov">pcentral@needhamma.gov</a></u> or by fax to the Town of Needham, Office of the Town Manager at (781) 449-4569 or by delivery. Only by doing this, will the Town be able to provide notification of addenda* or answered questions relating to this Bid. Only those companies or individuals shown on the Distribution Register will be sent addenda to this Bid. By completing and returning this acknowledgment will ensure you are recorded on the Distribution Register. Proposals from companies or individuals not acknowledging the addenda may be rejected as not responsive.	
Name of Company or Individual <b>(Print)</b>	
Name / Title of Contact <b>(Print)</b>	
Address (line 1) <b>(Print)</b>	
Address (line 2) <b>(Print)</b>	
Telephone Number	
Fax Number	
E-mail Address <b>(Print)</b>	
Signature	
Date	
<b>* Addenda will be posted to the website.</b> Please check the website for addenda before submitting your bid to the Town. Bidders who access the bid package from the Town's website are responsible for checking the website periodically for any addenda that may be issued by the Town.	

**Lease of Structures for the Operation of a Golf Course  
19GEN158G**

Released: Wednesday, February 6, 2019



Deadline for Questions – 5:00 p.m. Monday, March 4, 2019

**Proposals Due**  
**11:00 a.m. Monday, March 11, 2019**  
Kate Fitzpatrick, Town Manager  
Town Hall  
1471 Highland Avenue  
Needham, Massachusetts 02492

(Advertised in the Needham Times issue of Thursday, February 7, 2019)  
(Advertised in Central Register Wednesday, February 6, 2019)  
(Advertised on COMMBUYS )

**Town of Needham**  
**Request for Proposals**  
Lease of Structures for the Operation of a Golf Course  
**19GEN158G**

The Town invites proposals for the lease of structures associated with the operation of a golf course. The Town owns 6 structures including a house and assorted maintenance and storage buildings on 58.4+/- acres of land in Needham, Massachusetts, that is currently leased to the private, not-for-profit Needham Golf Club. The abutting property is owned and operated by the Needham Golf Club, which includes its clubhouse, parking lot, practice green, and a part of a golf hole. Information and details of the submission requirements will be available beginning Wednesday, February 6, 2019 at Town Hall, 1471 Highland Avenue, Needham, Massachusetts 02492 and on Town's web site <http://needhamma.gov/bids.aspx> and will be available until submission deadline. Sealed bids will be accepted at the Town Manager's Office, Town Hall – 1st Floor, 1471 Highland Avenue, Needham, MA 02492 **until 11:00 a.m. Monday, March 11, 2019.** Bids will be publicly opened and read aloud at Town Hall in the Select Board Chambers right after the submission deadline. LATE BIDS WILL NOT BE ACCEPTED.

The Town reserves the right to reject any and all proposals as determined to be in the best interests of the Town and to waive minor informalities.

Kate Fitzpatrick  
Town Manager

**Lease of Structures for the Operation of a Golf Course**  
**19GEN158G**  
**INDEX**

Description	Page
Legal Notice	3
Index	4
Procurement In Brief	5
<b>Part 1</b> Request for Proposal and General Requirements	
1.01 Questions regarding the Request for Proposal (RFP)	7
1.02 Information about Changes to the RFP (Addenda)	7
1.03 Bonds, Insurance and Indemnification	7
1.04 Bid Modifications or Withdrawals	8
1.05 Premature Opening of a Bid	8
1.06 Unexpected Closure or Delays	8
1.07 Late Submissions	8
1.08 Rejection of Proposals	8
1.09 Public Records	9
1.10 Conflict of Interest	9
1.11 Other Notices	9
1.12 Award	10
<b>Part 2</b> Property	
2.01 Overview	11
2.02 Property Description	11
2.03 No Assignment	15
2.04 Property Taxes	15
<b>Part 3</b> Evaluation Process and Minimum Requirements	
3.01 Site Inspection	16
3.02 Evaluation of Proposals	16
3.03 Minimum Requirements	16
<b>Part 4</b> Submission Requirements	
4.01 Submission Requirements	18
4.02 How and Where to Send Proposals	19
<b>Part 5</b> Checklist and Required Forms for Submission	
Checklist - Submission	20
Bidder Information Response (2 pages)	21
Certificate of Good Faith	23
Certificate of Compliance with Massachusetts Tax Laws	24
Disclosure of Beneficial Interests in Real Property Transaction (2 pages)	25
Price Proposal (2 pages)	27
Certificate of Authority	29
Hold Harmless & Indemnification Form (completed copies only)	30
<b>Appendix A</b> Lease	

Town of Needham Procurement in Brief		
Primary Procurement Contact		David Davison, Assistant Town Manager/Director of Finance
Event	Date	Details
Request for Proposal Title		<b>Lease of Structures for the Operation of a Golf Course</b>
Contract Number		<b>19GEN158G</b>
Request for Proposal (RFP) Available	Wednesday, February 6, 2019	Information and details of bidding requirements may be obtained at Office of the Town Manager, Needham Town Hall, Highland Avenue, Needham, Massachusetts 02492, or on-line at the Town's web site <a href="http://www.needhamma.gov/bids.aspx">http://www.needhamma.gov/bids.aspx</a>
Deadline for Written Questions*	<b>5:00 p.m. Monday, March 4, 2019</b>	<b>By Mail or In Person:</b> Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts 02492  <b>By Email:</b> <a href="mailto:pcentral@needhamma.gov">pcentral@needhamma.gov</a> Questions are to be clearly labeled as: <b>Lease of Structures for the Operation of a Golf Course – Questions 19GEN158G</b>
Addenda		If any changes are made to this bid, an addendum will be issued. Addenda will be emailed or faxed to all bidders on record as having received the bid package.
When and Where Proposals are Due*	<b>11:00 a.m. Monday, March 11, 2019</b> LATE SUBMISSIONS WILL NOT BE CONSIDERED	Kate Fitzpatrick, Town Manager Needham Town Hall 1471 Highland Avenue, Needham, Massachusetts 02492  The bid is to be clearly marked on the outside of the package: <b>Lease of Structures for the Operation of a Golf Course 19GEN158G</b>
<b>Bid Opening</b>	<b>11:05 a.m. Monday, March 11, 2019</b>	Town Hall Select Board Chambers 1471 Highland Avenue Needham, Massachusetts 02492
Bid Surety (bond) Requirements		None
Execution of Lease	On or about May 1, 2019	Approval of the Select Board, the Town Manager and Town Counsel are REQUIRED
* Facsimile transmissions for written inquiries must be sent prior to the above date and time deadlines. Any hand delivery or facsimile received after the due date and time will not be addressed. The time/date stamp machine located in the Town Manager's Office will govern for the date and time requirements mentioned in the table above and throughout this document. Please allow enough time for hand delivery or facsimile transmissions.		

Town of Needham Procurement in Brief		
Primary Procurement Contact	David Davison, Assistant Town Manager/Director of Finance	
Event	Date	Details
<p>** The Bidder agrees that the offer is effective for (a) at least ninety (90) calendar days from the opening date of the proposals (b) a Contract is executed, or (c) this bid is cancelled, whichever of (a), (b), or (c) occurs first. The time for award may be extended by the Town. The Town reserves the right to change, delay, cancel, or expedite the Contract award date. <b>The Town reserves the right to reject any and all bids as determined to be in the best interests of the Town and to waive minor informalities.</b></p>		

## PART 1 – REQUEST FOR PROPOSAL AND GENERAL REQUIREMENTS

### 1.01 QUESTIONS REGARDING THE REQUEST FOR PROPOSAL (RFP)

Bidders must examine all information and materials contained in and accompanying this Request for Proposals. Failure to do so will be at the Bidder's own risk. This will include, but not be limited to, all relevant Town, State and Federal laws and regulations.

The Bidder shall be satisfied as to the requirements to enable intelligent preparation of your bid. The Bidder shall be familiar with all the Bid material requirements and documents before submitting the bid in order that no misunderstanding shall exist. Bidders shall promptly raise the issue of any ambiguity, inconsistency or error, which they may discover upon examination of the bid documents, specifications, services, work site or any other conditions which may apply. No allowance will be made for any claim that the bid is based on incomplete information.

Inquiries concerning any part of this Bid shall be directed to the individual(s) listed under the **Procurement in Brief**. Bidders should note that **oral communications are not binding on the Town and only written responses by the Town will be considered.** All requests/questions must be submitted in writing. Questions may be delivered by hand, fax or email as referenced under the **Procurement in Brief** by the deadline. Questions that may be asked during any pre-bid conference should also be sent in writing in order to receive an official response. Requests properly presented that in the opinion of the Town require interpretation, correction, or change in the Bid Documents will result in an issuance of an Addendum to the Bid Documents. Such Addendum shall subsequently become part of the Contract. The Town will forward responses to all persons who are on record as receiving the bid package. Questions received after the due date will not be responded to unless the Town determines it is necessary. Bidders, please allow enough time for hand delivery or facsimile transmissions.

### 1.02 INFORMATION ABOUT CHANGES TO THE RFP (ADDENDA)

In the event that changes/additions are made to this bid, an addendum will be issued to every person (entity) on record as receiving the bid package. Addenda will be emailed, if an email address was not provided, then it will be faxed. If a fax number was not provided, then the addenda will be mailed. **Addenda will also be posted to the website.** Please check back on the website for addendums before submitting your bid to the Town. Bidders may not be notified individually of Addendums.

### 1.03 BONDS, INSURANCE, AND INDEMNIFICATION

A **Payment Bond** will not be required.

A **Performance Bond** will not be required.

#### Insurance

Bidder awarded a Lease under this bid must provide proof of insurances in at least the minimum amounts required by this RFP and when requested shall name the Town of Needham as an additional insured for the amounts written.

The awarded Bidder shall deposit with the Town Certificates of Insurance for the coverage required, in form and substance satisfactory to the Town, and shall deliver to the Town new



policies and certificates thereof for any insurance about to expire at least ten (10) days before such expiration. All such insurance policies shall contain an endorsement requiring thirty (30) days written notice to the Town prior to cancellation of change in coverage, scope or amount of any such policy or policies. Compliance by the Bidder with the insurance requirement, however, shall not relieve the Bidder from liability under the indemnity provisions.

#### Indemnification

The Bidder shall indemnify, defend, and save harmless the Town and all of the Town's officers, agents and employees from and against all suits and claims of liability of every name and nature, including costs of defending any action, for or on account of any injuries to persons or damage to property of the Town or any person, organization, corporation or association arising out of or resulting from any negligent act, omission, or negligence of the Bidder, its subcontractors, contractors and its and their agents or employees in the performance of the work covered the Lease and/or failure to comply with terms and conditions of the Contract, but only in respect of such injuries or damages sustained during the performance and prior to the completion and acceptance of the work covered by the Lease and to the extent such injuries or damages are not covered by the Town's insurance. The foregoing provisions shall not be deemed to be released, waived or modified in any respect by reason of any surety or insurance provided by the Bidder under the Contract.

#### **1.04 BID MODIFICATIONS OR WITHDRAWALS**

Bids may be corrected, modified, or withdrawn prior to the submission deadline; requests to do so must be received in writing to the Town Manager. After the submission deadline, bids may not be changed. Minor mistakes may be waived by the Town.

#### **1.05 PREMATURE OPENING OF A BID**

The Town will not be responsible for the premature opening of any bid not properly identified. The Town may reject bids which are incomplete, not properly endorsed, or signed, or which otherwise are contrary to these instructions.

#### **1.06 UNEXPECTED CLOSURE OR DELAYS**

If, at the time of the scheduled bid submission deadline, the designated location for delivery of the bid is closed due to uncontrolled events such as fire, snow, ice, wind, building evacuation or other the deadline will be postponed until **11:00 a.m.** on the next normal business day (Monday through Friday, excluding Holidays). Bids will be accepted at the same location until that date and time.

#### **1.07 LATE SUBMISSIONS**

The Town assumes no responsibility for late submissions due to mail, courier, or delivery problems. **LATE BIDS WILL NOT BE CONSIDERED.**

#### **1.08 REJECTION OF PROPOSALS**

The bid must satisfy all the submission requirements in order to be considered for award. Failure to complete the required forms, answer any questions, or provide the required documentation will be deemed NON-RESPONSIVE and result in rejection of the bid unless

the Town determines that such failure constitutes a minor informality that can be corrected without prejudice to other Bidders. A bid may be rejected if the Bidder:

- Fails to adhere to one or more of the provisions established in the bid package;
- Fails to submit its bid by the time or in the format specified herein or to supply the minimum information requested herein;
- Fails to submit its bid to the required address on or before the specified submission deadline;
- Misrepresents its service or provides demonstrably false information in its bid, or fails to provide material information

## **1.09 PUBLIC RECORDS**

Under the Massachusetts General Laws, the Town cannot assure the confidentiality of any materials or information that may be submitted by a vendor in response to this Bid. Thus vendors who choose to submit confidential information do so at their own risk. All bids or other materials submitted by the vendor in response to this Bid will be open for inspection by any person and in accordance with Massachusetts General Laws, Chapter 66 (Public Records Law). Any statements reserving any confidentiality or privacy rights in the submitted responses or otherwise inconsistent with these statutes will be void and disregarded

All proposals, materials, drawings, plans, etc. shall become the property of the Town and may be considered under the Public Records Law public information.

## **1.10 CONFLICT OF INTEREST**

By execution of a Lease with the Town of Needham, the Bidder acknowledges that the Town of Needham is a municipality for the purposes of Massachusetts General Laws, Chapter 268A (the Massachusetts conflict of interest statute), and agrees, as circumstances require, to take actions and to forbear from taking actions so as to be in compliance at all times with the obligations of the Lease based on said statute.

## **1.11 OTHER NOTICES**

The consideration of all bids and subsequent selection of the successful applicant shall be made without regard to race, color, sex, age, handicap, religion, political affiliation or national origin.

The Bidder shall adhere to the provisions of the Fair Employment Practices Law of the Commonwealth (Massachusetts General Laws, Chapter 151B).

The provisions relating to non-discrimination and affirmative action in employment shall flow through all documents and agreements that the successful Bidder may receive or award as a result of this RFP.

Any services provided by the Bidder shall be rendered through a professional services contract; the Bidder will not be considered an employee of the Town and will not receive any benefits of an employee.

The Bidder shall comply with Massachusetts General Laws, Chapter 66A if the Bidder becomes a "holder" of "personal data". The Bidder shall also protect the physical security and restrict any access to personal or other Town data in the Bidder's possession, or used

by the Bidder in the performance of the Contract, which shall include, but is not limited to the Town's public records, documents, files, software, equipment or systems.

#### **1.12 AWARD**

The most advantageous proposal from a Responsive and Responsible bidder which is a not-for-profit entity, taking into consideration price and all other evaluation criteria set forth in the Request for Proposals, will be selected.

**The Town reserves the right to reject any and all bids as determined to be in the best interests of the Town and to waive minor informalities.**

*End of Section 1*

## **PART 2 – Property**

### **2.01 OVERVIEW**

The Town of Needham (hereinafter referred to as the “Town”), is seeking sealed proposals for the lease of structures associated with the operation of a golf course. This Request for Proposal is made pursuant to Massachusetts General Laws (M.G.L.), Chapter 30B, Section 16, pertaining to the purchase, sale, lease, or rental of real property. The Town owns 6 structures including a house and assorted maintenance and storage buildings on 58.4+/- acres of land in Needham, Massachusetts, that is currently leased to the private, non-profit Needham Golf Club. The abutting property is owned and operated by the Needham Golf Club, which includes its clubhouse, parking lot, practice green and a part of a golf hole.

### **2.02 PROPERTY DESCRIPTION**

The property consists of two newer garage/storage/maintenance buildings, two older garage/storage buildings and an older single family dwelling that is used by an employee of the associated golf club and fuel tanks. The Golf Club is situated on land owned by the Town and leased to the Club through May 1, 2029, and property owned by the Club. The portion owned by the Town is identified in the Norfolk County Registry of Deeds in Book 842, Page 98 and in the Needham Assessing Office as Map 302, Lots 9, 18 and 22. The portion owned by the Needham Golf Club is identified in the Norfolk County Registry of Deeds in Book 1701, Page 593 and Book 1935, Page 93 and in the Needham Assessing Office as Map 302, Lots 14 and 16.

The Town makes no representations of any kind with respect to the condition of structures or to any environmental issues, other than the disclosure that the land or parts thereof are subject to Article of Amendment 97 of the Constitution of Commonwealth of Massachusetts. Interested parties will be permitted to make inspections at their own expense with the prior written approval of the Town.



**Maintenance Building/Garage 1**



**Maintenance Building/Garage 2**



**Storage Building**



**Garage Building**



**Fuel Tanks**





**Green Street Single Family Dwelling – Front and Left Side View**



**Green Street Single Family Dwelling – Rear and Right Side View**



**Green Street Single Family Dwelling – Rear and Left Side View**

### **2.03 NO ASSIGNMENT**

Assignment by the successful bidder to any third party of any lease based on the Request For Proposals or any monies due is prohibited and will not be recognized by the Town unless approved in advance by the Town in writing.

### **2.04 PROPERTY TAXES**

- A. The lessee will pay applicable real property taxes on the leased premises, but shall be allowed a credit in the full amount of such taxes paid against the amount of the rent. However any such credit shall not reduce the annual rent below zero dollars.
- B. If the lessee is also the current lessee of the land, the lessee will be allowed a credit for any payment made under this lease against the rent for the lease of land.

*End of Section 2*



## PART 3 – EVALUATION PROCESS AND MINIMUM REQUIREMENTS

### 3.01 SITE INSPECTION

The Town **WILL NOT** conduct a pre-bid session. The Town makes no representations of any kind with respect to the structures, or any other condition or to any environmental issues. Interested parties may be permitted to make inspections at their own expense with the prior written approval of the Town. Interested parties which have received prior written approval to conduct an inspection shall not schedule any such inspection in a manner or time which causes disruption to current operations and activities of customers of the current lessee.

Bidders will be able to pre-schedule appointments to conduct inspection of the site. Site inspections are to be done only at the date and times specifically **approved by the** Town in writing. A Certificate of Insurance must be provided to the Town of Needham, Town Manager Office, not less than two (2) business days in advance of the scheduled site visit. The **Certificate of Insurance** must provide evidence of the following minimum coverage:

Commercial General Liability, including Owner's and Contractor's Protective Liability, in the amount of one million dollars (\$1,000,000) per occurrence, and two million dollars (\$2,000,000) aggregate; Automobile Liability Bodily Injury one million dollars (\$1,000,000) per person and two million (\$2,000,000) per occurrence, and Property Damage one million dollars (\$1,000,000) per occurrence; Workers Compensation and Employer's Liability in amounts as required by Massachusetts General Laws.

The Town and the current Lessee **shall be named as additional insured parties** on the Certificate of Insurance.

The insurance certificate must also state the dates of coverage and the location of the site. Persons and or companies conducting site tests will also be required to execute a **Hold Harmless and Indemnification Form** and a Certificate of Corporate Authority, if applicable.

### 3.02 EVALUATION OF PROPOSALS

All **proposals will be opened in public** and proposals satisfying the minimum submission requirements will be reviewed and evaluated for consideration of award. Bidders may be required to discuss or clarify their proposal with the Town any time during the evaluation and selection process.

### 3.03 MINIMUM REQUIREMENTS

- A. Compliance with Laws: The bidder will be bound by all applicable statutory provisions of the laws of the Federal Government, the Commonwealth of Massachusetts, and the Town of Needham.
- B. The Town of Needham (Town) requests proposals to lease from the town a single family house, two maintenance buildings, two storage buildings and a fuel station located at 49 Green Street, Needham for a period of ten years. The structures come

with no land other than the land they are sitting on. The lessee will have the right of access from the structures to Green Street.

- C. The lease of buildings on the premises shall be for a term of not more than ten (10) years, in accordance with Mass. General Laws, Chapter 40, Section 3.
- D. The structures have limited use because of the residential zoning and the limited use imposed by Article of Amendment 97 of the Massachusetts Constitution. The structures may be used only in support of a private golf club not conducted as a business.
- E. The lessee shall take the structures as is, maintain the structures, not allow for waste and be responsible for all costs and expenses, all charges for fuel, heat, water, gas and any other utilities used in connection with the leased premises. No changes can be made to the structures without the prior consent of the Town Manager.
- F. No use shall be made of the premises that shall in the judgment of the Town Manager impair or tend to impair, in any way, the use of the premises for watershed or water supply purposes or the protection or preservation of said premises as part of the watershed of the Town nor interfere with the use of the land as a golf course operated by the Needham Golf Club.
- G. The lease shall commence on May 1, 2019 and terminate on April 30, 2029 unless sooner terminated by the Town. The Town can terminate the lease at any time if Town Meeting votes to use the property for any other municipal purpose. The Town can terminate the lease if it terminates the lease of land with the Needham Golf Club.
- H. The lessee shall take the structures as is and indemnify and hold harmless the Town from the claims and demands, including claims for personal injury and death of all persons and property damage out of the use of the leased properties during the term of the lease.
- I. The lessee, at its own cost and expense, shall keep all the leased structures insured against fire and other casualty losses for not less than 100% of their replacement value during the term of the lease. The Town will be listed as an additional named insured on the policies.
- J. The lessee shall, at its own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the lessee in connection with any operations included in this lease, and shall have the Town as an additional named insured on the policies.
- K. The Lessee shall comply with all provisions contained in the sample form of lease not here enumerated (Attachment A).

## PART 4 - SUBMISSION REQUIREMENTS

### 4.01 SUBMISSION REQUIREMENTS

Proposals must satisfy all the requirements of the Request For Proposals in order to be considered for award. Proposals shall include at a minimum, the following:

- A. A **letter of transmittal** signed by the individual authorized to negotiate for and contractually bind the Bidder. The transmittal letter should not exceed two (2) pages in length and the **letter shall state that the offer is effective** until (a) a lease is executed, or (b) this Request For Proposals is cancelled, whichever occurs first. The transmittal letter shall also state that bidder agrees to comply with all applicable Federal and State statutes prohibiting discrimination in employment (Title VII of the Civil Rights Acts of 1964, the Age Discrimination in Employment Act of 1973 and G.L. c. 151B). The bidder shall also state that it is an independent contractor and shall not be considered an employee of the Town.
- B. A proposal that addresses the requirements under **Minimum Requirements** (Part 3.03);
- C. The bid is to be submitted and addressed as follows: Kate Fitzpatrick, Town Manager, Town of Needham, 1471 Highland Ave, Needham, Massachusetts, 02492.
- D. The bid is to be clearly marked: **Lease of Structures for the Operation of a Golf Course 19GEN158G**
- E. Bidder must submit a completed **Bidder Information Response** form with the contact information and questions answered.
- F. A signed **Certificate of Good Faith**;
- G. A completed **Certificate of Compliance with Massachusetts Tax Laws** or Certificate of Good Standing issued by the Massachusetts Department of Revenue;
- H. A completed **Disclosure of Beneficial Interests in Real Property Transaction**;
- I. A completed **Price Proposal Form**, signed by the individual authorized to negotiate for and contractually bind the Bidder. Failure to fully complete the form, or provide the requested information, or making any alterations will be deemed a **conditional bid** and the proposal will be rejected.
- J. A completed **Certificate of Authority** (attached) or **Corporate Resolution**; if applicable;
- K. Copies of all completed **Hold Harmless & Indemnification Forms**; if applicable;
- L. Bids must be received and time stamped no later than the deadline stated in the **Procurement in Brief** (Where and When Bids are Due). LATE PROPOSALS WILL NOT BE CONSIDERED.

- M. Delivery will be at the expense of the Bidder. Any and all damages that may occur due to packaging or shipping will be the sole responsibility of the Bidder.

#### 4.02 HOW AND WHERE TO SEND PROPOSALS

Bidders are required to submit: <u>one (1) original copy of the Proposal</u> . Sealed Proposals are to be submitted and addressed as follows:	
Mailing Address	Kate Fitzpatrick, Town Manager Office of the Town Manager – 1 <sup>st</sup> Floor Town Hall 1471 Highland Avenue Needham, MA 02492
Proposal Identification on the Outside of the Sealed Envelope	<b>Town of Needham</b> <b>Lease of Structures for the Operation of a Golf Course</b> <b>19GEN158G</b>
Proposals Due	Sealed Proposals must be received and time stamped no later than the deadline stated in the <b>Procurement Schedule</b> (Where and When Proposals are Due). <b>LATE PROPOSALS WILL NOT BE ACCEPTED.</b>
Delivery will be at the expense of the Bidder. Any and all damages that may occur due to packaging or shipping will be the sole responsibility of the Bidder.	

**The Town reserves the right to reject any and all bids as determined to be in the best interest of the Town and to waive minor informalities.**

*End of Section*

**PART 5 – CHECKLIST AND REQUIRED FORMS FOR SUBMISSION**  
**Checklist**

Bidder Name: \_\_\_\_\_

- ☐ Bidder has completed and returned the **Acknowledgement of Receipt** form (via fax or email).
- ☐ Bidder has completed, signed, and enclosed the **Bidder Information Response**.
- ☐ Bidder has completed, signed, and enclosed the **Certificate of Good Faith**.
- ☐ Bidder has completed, signed, and enclosed the **Certificate of Compliance with Massachusetts Tax Laws**.
- ☐ Bidder has completed, signed, and enclosed the **Disclosure of Beneficial Interests in Real Property Transaction**.
- ☐ Bidder has completed, signed, and enclosed the **Price Proposal Form**.
- ☐ If the bid submission is signed by someone other than the Owner/President of the company, a completed **Certificate of Authority or Corporate Resolution** for the person who signed the proposal or a valid Corporate Resolution stating the individual has the authority to submit the proposal on behalf of the Company and can bind the Company to the Lease if awarded.
- ☐ Bidder has submitted all copies of completed **Hold Harmless & Indemnification Forms**, if applicable.
- ☐ Bidder acknowledged all addenda, if any  
Addendum Number 1 dated \_\_\_\_\_  
Addendum Number 2 dated \_\_\_\_\_  
Addendum Number 3 dated \_\_\_\_\_  
Addendum Number 4 dated \_\_\_\_\_  
Addendum Number 5 dated \_\_\_\_\_

THIS FORM MUST BE FILED WITH BID SUBMISSION

**Bidder Information Response**  
(This Form Consists of Two Pages)  
**Lease of Structures for the Operation of a Golf Course**  
**19GEN158G**

Legal Name of the Bidder: \_\_\_\_\_

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

City State Zip: \_\_\_\_\_

Company Web Address: \_\_\_\_\_

Company Telephone: \_\_\_\_\_ Company Fax number: \_\_\_\_\_

State of Incorporation (Date): \_\_\_\_\_

If the bidder is a partnership, give full names and addresses of all partners; and if an individual, give residential address if different from business address.

**Company Contacts - Required**

**Individual Submitting the Bid:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Individual to be contacted about the Bid:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Best Times to Contact: \_\_\_\_\_

**It is the Bidder's responsibility to monitor the email address provided in the Submission for the Bidder's contact person. The TOWN may need to contact the Bidder's contact person with clarification requests or for other reasons. The Town assumes no responsibility if a Bidder's designated email address is not current, or if technical problems, including those with the Bidder's computer, network or internet service provider (ISP), cause e-mail communications between the Bidder and the Town to be lost or rejected by any means including email or spam filtering.**

**Individual Authorized to Contractually Bind the Company** (This will be the individual whose name and title will appear in the Lease and will execute the Lease if awarded to the bidder):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Best Times to Contact: \_\_\_\_\_

1. Has the proposal been signed by a person legally authorized to commit the Bidder (Company) to Contract, if awarded? ☐ Yes ☐ No
2. Is the Bidder prepared to provide the insurances as required? ☐ Yes ☐ No
3. Has the Bidder placed any special conditions or restrictions that called out by the Town in its Request for Proposals? (A "yes" response may be cause for rejection). ☐ Yes ☐ No
4. Are there any exceptions to the Town's specifications (and if so they must be included in the submission)? ☐ Yes ☐ No (A "yes" response may be cause for rejection).
5. Has the bidder requested any changes to the Town's Lease? ☐ Yes ☐ No (if "yes" the changes must be attached to this form).
6. Is the Bidder prepared to execute the Town's Lease as is if awarded? ☐ Yes ☐ No

Signature of the Bidder: \_\_\_\_\_

Printed Name and Title of Signatory: \_\_\_\_\_

Date: \_\_\_\_\_

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THIS FORM MUST BE FILED WITH BID SUBMISSION
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**CERTIFICATE OF GOOD FAITH**  
**Lease of Structures for the Operation of a Golf Course**  
**19GEN158G**

The undersigned hereby certifies that s/he will comply with all laws and regulations applicable to awards made subject to Massachusetts General Laws, Chapter 30B.

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

\_\_\_\_\_  
Signature of individual submitting the bid or proposal

\_\_\_\_\_  
Individual Full Name (Print/Type)

\_\_\_\_\_  
Name of Business (Print/Type)

\_\_\_\_\_  
(Date)

**Two Witnesses or Notary**

\_\_\_\_\_  
Witness One Signature

\_\_\_\_\_  
Witness Two Signature

\_\_\_\_\_  
Witness One Full Name (Print/Type)

\_\_\_\_\_  
Witness Two Full Name (Print/Type)

\_\_\_\_\_  
Witness One Primary Address

\_\_\_\_\_  
Witness Two Primary Address

**OR**

Commonwealth of Massachusetts

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_(name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

☐ as partner for \_\_\_\_\_, a partnership.

☐ as \_\_\_\_\_ for \_\_\_\_\_, a corporation.

☐ as attorney in fact for \_\_\_\_\_, the principal.

☐ as \_\_\_\_\_ for \_\_\_\_\_, (a) (the) \_\_\_\_\_.

\_\_\_\_\_  
(official signature and seal of notary)

My commission expires: \_\_\_\_\_

**THIS FORM MUST BE COMPLETED AND FILED WITH THE SUBMISSION**



**CERTIFICATE OF COMPLIANCE WITH MASSACHUSETTS TAX LAWS**

**Lease of Structures for the Operation of a Golf Course  
19GEN158G**

Certificate of Good Standing issued by the Massachusetts Department of Revenue dated no earlier than 90 days before the bid submission deadline may be submitted in place of this certificate.

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, the undersigned acting on behalf of the Bidder\*, certify under the penalties of perjury that to my best knowledge and belief, the Bidder\* is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and Bidders, and withholding and remitting child support.

**Individual**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (please type or print)

\_\_\_\_\_  
Social Security Number

**Corporate**

\_\_\_\_\_  
Corporate Name (please type or print)

\_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Corporate Officer (please type or print)

\_\_\_\_\_  
Title (please type or print)

\_\_\_\_\_  
Taxpayer Identification Number

*\* As used in this certification, the word "Bidder" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals*

**THIS FORM MUST BE FILED WITH BID SUBMISSION**

**Disclosure of Beneficial Interests in Real Property Transaction**

(This Form Consists of two Pages)

Massachusetts General Laws, Chapter 7C, Section 38, requires that a disclosure of beneficial interests be filed for each real property transaction regardless of the cost or value of the acquisition or disposition. The person acquiring property from, or selling or leasing property to, a public agency must file the disclosure. No Contract, renewal or extension is valid until the disclosure is filed with the Division of Capital Asset Management and Maintenance. Also, a new disclosure must be filed within 30 days of a change in beneficial interests during the term of a Contract.

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Town of Needham as required by Massachusetts General Laws, Chapter 7 Section 40J prior to the conveyance of or execution of a lease for the real property described below.

Attach additional sheets if necessary.

1. Public agency involved in this transaction: TOWN OF NEEDHAM

2. Complete legal description of property:

Type of transaction: RENTAL for \_\_\_\_\_ ( term)

Seller(s) or Lessor(s): \_\_\_\_\_

Purchaser(s) or Lessee(s): \_\_\_\_\_

Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. Note: If a corporation has, or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public., the name of any person holding less than ten per cent of the outstanding voting shares need not be disclosed.

Name	Address

None of the persons listed in this section is an official elected to public office in the Town of Needham except as noted below:

Name	Title or Position

This section must be signed by the individual(s) or organization(s) entering into the real property transaction with the public agency named in item 1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation.

The undersigned acknowledges that any changes or additions to item 4 of this form during the term of any lease or rental will require filing a new disclosure with the Town of Needham within 30 days following the change or addition.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THIS FORM MUST BE FILED WITH BID SUBMISSION**

*Bid Price Proposal Form*  
**Lease of Structures for the Operation of a Golf Course**  
**RFP 19GEN158G**  
(Price Proposal Form Consists of Two Pages)

The **Price Proposal Form** is to be signed by the individual authorized to negotiate for and contractually bind the company. Failure to fully complete the form, provide the requested information, or make any alterations will be considered a **conditional bid** and the proposal will be **rejected**.

Bidder Name: \_\_\_\_\_

Lease of Structures for the Operation of a Golf Course	
Annual Rent Year 1*	\$
Annual Rent Year 2*	\$
Annual Rent Year 3*	\$
Annual Rent Year 4*	\$
Annual Rent Year 5*	\$
Annual Rent Year 6*	\$
Annual Rent Year 7*	\$
Annual Rent Year 8*	\$
Annual Rent Year 9*	\$
Annual Rent Year 10*	\$
<b>Total Rent</b>	<b>\$</b>
In Words:	
* Rent is payable quarterly on the same schedule as the quarterly real estate tax payments are due to the Town of Needham.	

The undersigned proposes to provide the **Lease of Structures for the Operation of a Golf Course** in accordance with the accompanying requirements provided by the Town of Needham dated **February 6, 2019** and any addenda as may be issued by the Town and provided to the undersigned prior to the opening of the bids. In the event that the numeric price and the written price differ, the written price shall prevail.

The undersigned agrees that, if selected as vendor, s/he will within five days, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the Town, execute a Lease in accordance with the terms of this bid. The undersigned hereby certifies that s/he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work and that s/he will comply fully with all laws and regulations applicable to awards made subject to Massachusetts General Laws, Chapter 30B.

The undersigned further certifies under the penalties of perjury that this proposal is in all respects bona fide, fair, and made without collusion or fraud with any other person. As used in this subsection, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, group of individuals, or legal entity.

---

(Name of Company)

BY:

---

(Signature)

---

(Printed Name and Title of Signatory)

---

Business Address

---

(City, State Zip)

---

(Telephone)

(FAX)

---

(Email Address)

---

(Place and Date When the Business was Organized)

If incorporated, identify the State of Incorporation and Date.

STATE OF INCORPORATION (DATE) ( )

\* attach certificate of authority, if applicable

If the bidder is a partnership, give full names and residential addresses of all partners; and if an individual, give residential address if different from business address.

---

(Date this bid was submitted)

*End of Bid Price Form*

### **CERTIFICATE OF AUTHORITY**

1. I hereby certify that I am the Clerk/Secretary of \_\_\_\_\_  
(Insert full name of Corporation)
2. corporation, and that \_\_\_\_\_  
(Insert the name of officer who signed the **Contract and bonds**)
3. is the duly elected \_\_\_\_\_  
(Insert the title of the officer in line 2)
4. of said corporation, and that on \_\_\_\_\_  
(The date must be **ON OR BEFORE** the date the officer signed the **Contract and bonds**.)

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. \_\_\_\_\_ the \_\_\_\_\_  
(Insert **name** from line 2) (Insert **title** from line 3)

of this corporation be and hereby is authorized to execute Contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any Contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: \_\_\_\_\_ AFFIX CORPORATE  
(Signature of **Clerk or Secretary**)\* SEAL HERE

7. Name: \_\_\_\_\_  
(Please print or type name in line 6)\*

8. Date: \_\_\_\_\_  
(Insert a date that is **ON OR AFTER** the date the officer signed the **Contract and bonds**.)

\* The name and signature inserted in lines 6 & 7 must be that of the Clerk or Secretary of the corporation.



## **HOLD HARMLESS & INDEMNIFICATION FORM**

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(hereinafter "the Company") shall indemnify, defend and hold harmless the Town of Needham, and its officers, boards, committees, and employees, from and against any and all claims, suits, actions, legal or administrative proceedings, damages, liabilities, attorney fees, costs and expenses arising from act(s) or omission(s) of the Company, or anyone acting under its direction, control or on its behalf **in connection with the site visit and inspection being performed on town-owned lands on**

\_\_\_\_\_ (date) and from \_\_\_\_\_  
(hours of site view.) The foregoing indemnity and hold harmless agreement shall not apply to any liability caused by the acts, omissions, fault or negligence of the Town of Needham or anyone acting under its direction, control or its behalf.

Name of Company: \_\_\_\_\_

---

Signature

---

Name and Title of person signing

(Please print or type)

**Attachment A**  
**LEASE OF STRUCTURES**  
**49 GREEN STREET, NEEDHAM, MA**

THIS INDENTURE OF LEASE, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Town of Needham, a municipal corporation herein called the “LESSOR” and the \_\_\_\_\_, a private not-for-profit entity which is a corporation duly established under the laws of the Commonwealth of Massachusetts and conducting its business in said Needham, herein called the “LESSEE”, for the purpose of protecting and preserving the watershed and water supply of the Town of Needham, consistent with applicable statutory authority,

WITNESSETH:

**ARTICLE 1 DEMISE AND TERM**

1.1 The LESSOR hereby demises and leases unto the LESSEE and the LESSEE hereby hires and takes of and from the LESSOR the following described premises:

The five structures, only, located at 49 Green Street, Needham, Mass. owned by the Town of Needham, consisting of Maintenance Building/Garage 1, Maintenance Building/Garage 2, Storage Building, Garage Building, Fuel Tanks and the Single Family Dwelling. It does not include the land. The LESSEE shall have the right to go upon the land to access the structures from Green Street.

1.2 TO HAVE AND TO HOLD the above described premises with all the rights, privileges, easements and appurtenances thereunto belonging, and attaching, unto the LESSEE for the term of 10 years commencing on the first day of May, 2019 and unless sooner terminated as hereinafter provided, ending with the thirtieth day of **April, 2029** for the sums to be paid for rent and taxes.

**2.1 RENT AND TAXES**

2.1.1 One quarter of the annual rent is due and payable on or before the day each quarterly payment of real estate taxes are due the Town.

2.1.2 The LESSEE shall pay to the LESSOR applicable real property taxes on the leased premises, but shall be allowed a credit in the full amount of such taxes paid each quarter against the amount of the rent paid each quarter. Payments shall be made on a quarterly basis in accordance with M.G.L. c. 59 S. 2B. However, any such credit shall not reduce the annual rent below zero dollars.

**ARTICLE 3 PUBLIC BENEFITS AND AMENITIES**

- 3.1 In the exercise of its right of possession, use and enjoyment, the LESSEE is committed during the term of this Lease to provide the following public benefits and amenities:
  - 3.1.1 The LESSEE will maintain the premises in a manner that will fully protect and preserve the character and quality of the area for watershed and water supply purposes.
  - 3.1.2 The LESSEE will preserve the environmental quality of the premises, and protect the habitat of indigenous wildlife and plant species.
  - 3.1.3 The LESSEE will comply with all provisions of the Memorandum of Understanding between the Town and the U.S. Environmental Protection Agency (EPA), and the Town's NPDES Permit with the EPA.

#### ARTICLE 4 LESSOR'S RIGHT TO TERMINATE LEASE

- 4.1 The LESSOR, by action of its Town Meeting, has the right, at any time, to terminate the within Lease and use the leased premises for any lawful municipal purpose, without any compensation to the LESSEE.
- 4.2 The LESSOR also reserves the right, by action of its Town Meeting at any time and from time to time to use the leased premises or any part thereof for any municipal purpose authorized by law, and in such event the premises or any such part thereof shall be deemed released from and no longer subject to this Lease. If such use substantially interferes with the use of the property as part of a nine hole golf course, the rent payments shall be modified by agreement of the parties. If the parties cannot agree on a modification of the payments, the LESSEE shall have the right to continue to pay the full payments or to terminate this lease.
- 4.3 In the event of a termination of this Lease, under the provisions of this Article 4, the obligation of the LESSEE to make future rent payments shall cease, and the payment of rent for the then current year shall be adjusted pro rata as of the date of termination.
- 4.4 Termination of this Lease under the provision of this Article 4 shall not entitle the LESSEE to any damages or adjustments other than the abatement of payments of rent and taxes provided for under the terms of this lease.

#### ARTICLE 5 UTILITIES

The LESSEE shall bear, at its sole cost and expense, all charges for fuel, heat, water, gas, electricity and any other utilities used in or in connection with the leased premises, and shall maintain the same.

## ARTICLE 6 REPAIRS

The LESSEE agrees that it will at its own expense keep and maintain said leased premises and the buildings thereon and all appurtenances thereunto belonging or appertaining, in good an substantial repair and condition – ordinary war and tear, or excepted – nor shall it allow the leased premises to suffer any waste, and will comply with all health and police regulations applicable to or affecting the leased premises and the appurtenances and equipment thereof.

## ARTICLE 7 ALTERATIONS AND IMPROVEMENTS

7.1 The LESSEE shall have the right during the term of this Lease to make such alterations, improvement or changes in the leased premises, as may be proper or necessary for the operation of structures and for the full beneficial use of the leased premises thereof, provided that the LESSEE shall fully and completely indemnify the LESSOR against the claims of all contractors, subcontractors, mechanics, laborers and other workers, or suppliers in connection with the making of such alterations and changes, and shall pay all costs, expenses, and charges thereof; and provided further that no change of use shall be made which will in the judgment of the then Town Manager of the LESSOR adversely affect the water supply of the Town.

7.2 The LESSEE shall not construct buildings or other structures upon the leased premises except upon the written consent thereto of the Town Manager of the LESSOR.

7.3 No building or other structure hereafter erected on the leased premises may thereafter be removed from said premises unless written permission to remove the same is obtained from the then Town Manager of the LESSOR either prior to the erection of such building or other structure or at any time during the term of this lease.

## ARTICLE 8 USE OF PREMISES

8.1 The LESSEE agrees to use the leased premises during the term hereby created only accessory to the not-for-profit private golf club and golf course being operated on the Town owned land and in compliance with the Needham Zoning By-laws. No use shall be made of the premises that shall in the judgment of the then Town Manager of the LESSOR impair or tend to impair, in any way, the use of said premises for watershed or water supply purposes by the LESSOR or the protection or preservation of said premises as part of the watershed of said LESSOR. The LESSOR reserves the right, acting by its Select Board, to make such rules and regulations from time to time as may be necessary for the protection of the watershed and the water supply of the Town.

8.2 The LESSOR reserves for itself and its officers and employees the right at all times to enter on said premises and to use all rights of way and to maintain, replace and repair any and all of its public utility infrastructure now on said premises.

8.3 The LESSEE agrees to indemnify and hold harmless the LESSOR and save it from the claims and demands, including claims for personal injury and/or death, of all persons arising out of the use of the leased premises during the term of this Lease.

#### ARTICLE 9 LEAD PAINT LAW

LESSEE acknowledges receipt of the Tenant Lead Law Notification regarding Massachusetts and federal lead laws and regulations, including notice of lead hazards and the possible presence of dangerous levels of lead. The LESSEE further acknowledges that neither the LESSOR or any representative of the LESSOR has made any representations, express or implied, regarding the absence of lead paint or compliance with any lead law.

#### ARTICLE 10 MANAGEMENT

It is a condition of this Lease that the management of the LESSEE shall be by residents of the Town of Needham and that no person shall be an officer of the LESSEE who does not reside in the Town of Needham. This provision shall prevail notwithstanding any by-law of the LESSEE to the contrary. The provision may be waived by the Town Manager of the LESSOR.

#### ARTICLE 11 COMPLIANCE WITH THE LAW

The LESSEE hereby covenants and agrees with the LESSOR that it shall not allow or permit any portion of the leased premises or the buildings thereon to be used or occupied for any purpose that will violate the constitutions or the laws of the United States of America, the Commonwealth of Massachusetts, or the Town of Needham, or that will cause public disturbance or nuisance. The Town Manager/designee and representatives of Fire, Health, Public Works, and Conservation Departments shall conduct a field inspection on an annual basis.

#### ARTICLE 12 RIGHT OF INSPECTION BY LESSOR

It is hereby agreed that the LESSOR and its officers and agents shall have the right at all times to enter upon the buildings thereon for the purposes of examining or inspecting the same and shall only be done without unnecessarily disturbing the use of said premises by the LESSEE.

#### ARTICLE 13 SIGNS

No advertising signs or other advertising devices shall be used on said premises except as herein provided or except upon the written consent of the Town Manager on each occasion.



## ARTICLE 14 INSURANCE

14.1 The LESSEE shall, at the LESSEE'S own cost and expense, keep all the buildings and improvements on the leased property, whether constructed before or after the execution of this Lease, insured against fire and other casualty losses for not less than 100% of their replacement value at all times during the term of this Lease. The policy under this paragraph shall list the LESSOR as an additional named insured.

14.2 The entire proceeds of any insurance in case of loss are to be used solely for the repairing, rebuilding and restoration of the building or buildings on account of the injury or destruction of which such insurance moneys have been paid. The LESSEE shall use such insurance moneys for the repair or reconstruction of such building or buildings and shall provide any additional sums that may be required to complete the repair or reconstruction thereof so that the repaired, rebuilt or newly constructed building or buildings shall be at least equal in stability, permanency of construction, usefulness and value to the building or buildings in existence immediately prior to the damage or destruction.

14.3 The LESSEE shall, at its own expense, obtain and maintain general liability and motor vehicle liability insurance policies protecting the LESSEE in connection with any operations included in this Lease, and shall have the LESSOR as an additional named insured on the policies. The LESSEE shall carry general liability with minimum limits of \$1,000,000 pre occurrence, \$2,000,000 aggregate for bodily injury, and \$1,000,000 for property damage, and motor vehicle liability insurance in the minimum amount of \$1,000,000 per person, \$2,000,000 per occurrence, and \$1,000,000 property damage for any claim that may arise out of the use of the leased premises. The policies set forth in this paragraph shall list the LESSOR as an additional named insured.

14.4 All insurance coverage shall be in force during the term of this Lease. Since this insurance is normally written on a year-to-year basis, the LESSEE shall notify the LESSOR should coverage become unavailable or should its policy change.

14.5 The LESSEE shall, before commencement of the term of this Lease, provide by insurance for the payment of compensation and the furnishing of other benefits under Mass. Gen. Law ch. 152, as amended, to all employed under the Lease and shall continue such insurance in full force and effect during the term of the Lease.

14.6 Certificates, and any and all renewals proving that required insurance coverage is in effect, shall be filed with this Lease. During the term of this Lease, like certificates shall be furnished prior to the expiration of required policies. Any cancellation of insurance, whether by the insurers or by the insured shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the LESSOR at least fifteen (15) days prior to the intended effective date thereof, which date should be expressed in said notice.

14.7 The LESSEE shall indemnify, defend, and save the LESSOR and all of the LESSOR'S officers and agents or employees harmless from and against all suits and claims of liability of every name and nature, including costs of defending any action, for or on account of any injuries to persons or damage to property of the LESSOR or any person, firm, corporation or association arising out of the use of the leased premises. The foregoing provisions shall not be deemed to be released, waived or modified in any respect by reason of any surety or insurance provided by the LESSEE under the Lease.

#### ARTICLE 15 FOREFEITURE

Provided always, and these presents are upon this condition, that if the LESSEE shall neglect or fail to make any payment when due, or within twenty-one days after written notice of such non-payment sent to it by the LESSOR, or shall neglect or fail to perform or observe any of the other covenants herein contained on its part to be performed or observed for a period of thirty days after written notice of such non-performance from the said LESSOR, or if said LESSEE shall be adjudicated bankrupt or insolvent, or if an assignment shall be made on its property for the benefit of its creditors, then and in any of said cases (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance) the LESSOR may at any time thereafter, while such neglect or default continues, without further notice or demand, enter into and upon the leased premises or any part thereof in the name of the whole and repossess the same as of its former estate and expel the LESSEE and those claiming under it and remove its effects (forcibly if necessary) without being deemed guilty of any manner of trespass and without being prejudiced to any remedies that might otherwise be used for arrears of any payment or proceedings for breach of covenant and upon such entry this Lease is determined. The said LESSEE covenants that in case of such termination it will indemnify the LESSOR against any loss that it may incur by reason of such termination, during the residue of said term.

#### ARTICLE 16 SURRENDER OF PREMISES ON TERMINATION OF LEASE

The LESSEE further covenants and agrees that upon the termination of this Lease, either by lapse of time or otherwise in accordance with the terms and condition hereof, it will surrender, yield up and deliver the said leased premises in good and clean condition except the effects of ordinary wear and tear and depreciation arising from lapse of time or as otherwise changed in accordance with the terms of this Lease.

#### ARTILCE 17 WAIVER OF BREACH

It is further covenanted and agreed, by and between the parties hereto that no waiver of breach of any of the covenants of this Lease shall be construed to be a waiver of any succeeding breach of the same covenant.

#### ARTICLE 18 QUIET ENJOYMENT

The LESSOR hereby covenants that the LESSEE on making the payment of rent and taxes herein reserved, and performing each and every of the covenants, undertakings, agreements and conditions on the part of the LESSEE to be performed and observed herein contained, shall and may peaceably and quietly have, hold and enjoy the hereby leased premises, for the term aforesaid, free from molestation, eviction or disturbance by the LESSOR, or by any other person or persons whomsoever, subject however to the specific reservations herein before contained.

#### ARTICLE 19 PROVISION FOR NOTICE

Whenever notice shall be required to be given to the LESSEE pursuant to the terms of this Lease, it shall be sent by registered mail to the \_\_\_\_\_ (Lessee), care of \_\_\_\_\_, (address). Whenever notice is to be given to the LESSOR, it shall be sent by registered mail, addressed to the Town Manager, Town Hall, Needham, MA 02492.

#### ARTICLE 20 PROVISIONS TO BIND AND BENEFIT SUCCESSORS, ASSIGNS

It is further covenanted and agreed by and between the parties hereto that all the covenants and agreements, conditions and undertakings in this Lease contained shall extend to and be binding upon the legal representatives, successors and assigns of the respective parties hereto, the same as if they were in every case named and expressed, and that the same shall be construed covenants running with the land; and wherever in this lease reference is made to either of the parties hereto, it shall be held to include and apply to the legal representatives, successors and assigns of such party the same as if in each and every case so expressed.

#### ARTICLE 21 ASSIGNMENTS AND SUBLEASING

The LESSEE is hereby expressly prohibited from assigning this Lease and from subleasing the leased premises or any part thereof.

#### ARTICLE 22 INTERPRETATION

The various headings herein and the groupings of the provisions of this Lease into separate articles and paragraphs shall not be construed to limit or restrict either the meaning or application of any provision hereunder and are for the purpose of convenience only.

#### ARTICLE 23 COMPLIANCE WITH M.G.L.A. Ch. 7 Sec. 40J

The LESSEE agrees that it shall comply with the provisions of Massachusetts General Laws, Chapter 7, Section 40J to the extent it is applicable and provide the LESSOR with a certification that it has complied.

ARTICLE 24 CONTESTING STATUTES

24.1 LESSEE agrees that the premises shall not be used in violation of any federal or state statute or municipal ordinance or law. If LESSEE shall desire to contest the validity of any statute, rule, order, ordinance, requirement or regulation, LESSEE may, at LESSEE'S own cost and expense, carry on such contest, and such noncompliance by LESSEE during such contest shall not be deemed a breach of the covenants contained in this numbered article, provided that LESSEE shall indemnify LESSOR against all liability for costs, expenses, claims, losses, damages fines and penalties including reasonable counsel fees, resulting from or reasonably incurred in connection with such contest and non-compliance.

24.2 In the event of the existence or enactment of any law or the making of any ordinance, rule, ruling or regulation which materially impedes or limits the use of said premises for any of the specific purposes set forth in Article 1 hereof, at the election of the LESSEE, to be exercised by notice thereof in writing, this Lease shall thereupon terminate and all liability hereunder shall cease from and after the date such impediment or limitation becomes effective, and all prepaid rent and additional rent, if any, shall be prorated on a daily basis and the excess, if any, paid by LESSOR to LESSEE.

Pursuant to Massachusetts General Laws, Chapter 62 C, Section 49A:

I certify under the pains and penalties of perjury that the \_\_\_\_\_ (Lessee), to my best knowledge and belief, has filed tax returns and paid all taxes required under the laws of the Commonwealth of Massachusetts.

Social Security Number or  
Federal Identification Number

(LESSOR)

\_\_\_\_\_

By: \_\_\_\_\_  
(title)

IN WITNESS EHEREOF, the LESSOR and the LESSEE have sealed and executed these presents and four (4) duplicates of same under seal, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF NEEDHAM

By its: TOWN MANAGER

\_\_\_\_\_  
Kate Fitzpatrick, Town Manager

LESSEE

By: \_\_\_\_\_  
(title)

The LESSEE must attach a Certificate of Corporate Authority which evidences that the officer whose signature appears above is authorized to execute this document on behalf of the LESSEE.

APPROVED AS TO FORM:

\_\_\_\_\_  
David S. Tobin, Esq.  
Town Counsel  
Town of Needham

Dated: \_\_\_\_\_

I hereby certify that the  
Disposition of this interest in  
realty was made in accordance  
with M.G.L.A., Ch. 30B

\_\_\_\_\_  
Procurement Officer

SAMPLE CERTIFICATE OF CORPORATE VOTE

I \_\_\_\_\_ (name) \_\_\_\_\_ (title) of \_\_\_\_\_ (LESSEE), hereby certify that a special meeting of the Board of Directors of said corporation was duly held on \_\_\_\_\_ (date), at which a quorum was present, and that the following vote was unanimously adopted:

“Voted: That \_\_\_\_\_ (name, title, LESSEE), be and he hereby is authorized for and on behalf of said \_\_\_\_\_ (LESSEE) to execute, affix the corporate seal and deliver a lease between the Town of Needham and the \_\_\_\_\_ (LESSEE) for a period of ten (10)/twenty (20) years at an annual rental of \$\_\_\_\_\_ plus cost of living increase, and include the additional terms and conditions contained in said lease, a copy of which was presented to the meeting; the execution and delivery of said lease by said \_\_\_\_\_ (title) as herein authorized shall be deemed to be sufficient identification of the lease herein authorized.”

I further certify that \_\_\_\_\_ (name) was duly elected \_\_\_\_\_ (title) of \_\_\_\_\_ (LESSEE) and that such election and the foregoing vote remain in full force and effect this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Name and Title)



**Part I** ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 3** TOWNS; POWER TO HOLD, LEASE AND CONVEY PROPERTY

Section 3. A town may hold real estate for the public use of the inhabitants and may convey the same by a deed of its selectmen thereto duly authorized, or by a deed of a committee or agent thereto duly authorized; may by its selectmen let or lease for not more than 30 years, on such terms as the selectmen determine, a public building or part thereof, except schoolhouses in actual use as such; may by its selectmen let or lease for not more than twenty-five years, real estate to the Massachusetts Bay Transportation Authority for use by the authority as a parking lot for commuters; may hold personal estate for the public use of the inhabitants, and alienate and dispose of the same; may hold real and personal estate in trust for the support of schools, and for the promotion of education, within the limits of the town; may receive, hold and manage any devise, bequest or gift for the establishment or equipment of memorials for properly commemorating the services of the soldiers, sailors and marines who have served the country in war, and for the establishment or maintenance of any reading room for which it may grant money under the provisions of section five; and may make such orders as

it may deem necessary or expedient for the disposal or use of its corporate property. All real estate or personal property of the town, not by law or by vote of the town placed in the charge of any particular board, officer or department, shall be under the control of the selectmen, except as is otherwise provided in this section or section nine.

*[ Paragraph inserted following first paragraph by 2016, 218, Sec. 19 effective November 7, 2016.]*

Notwithstanding this section or section 53 of chapter 44, a city or town that rents or leases any public building or property, or space within a building or property, other than a building or property under the control of the school committee, may deposit any monies received from the rental or lease in a separate account in the city or town treasury. The monies may be expended by the board, committee or department head in control of the building or property without further appropriation for the upkeep of the facility so rented or leased. Any balance remaining in the account at the close of a fiscal year shall be paid into the general fund of such city or town; provided that in any city or town that accepts this proviso, any balance shall remain in the account and may be expended for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

Notwithstanding the provisions of this section, a city or town, with the approval of the school committee, may rent or lease any school building not in actual use and, with the approval of the commissioner of education, surplus space in a school building in actual use to any one or more public or private profit-making businesses or nonprofit organizations; provided, however, that joint occupancy of a school

building in actual use as such shall not interfere with educational programs being conducted in said building. The terms of any such rental or lease shall be as approved by the school committee; provided, however, that no school building not in actual use shall be rented or leased for an initial term longer than ten years, but with renewal options if approved by the school committee.

The monies received from such rental or lease shall be kept separate and apart from other city or town funds in the city or town treasury and may be expended by the school committee without further appropriation for the upkeep of the facility so rented or surplus space which is so rented; provided, however, that any balance remaining in such account at the close of a fiscal year shall be paid into the General Fund of such city or town; and, provided further, that in any city or town that accepts this proviso, any such balance shall remain in said account and may be expended for the upkeep and maintenance of any facility under the control of the school committee.



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

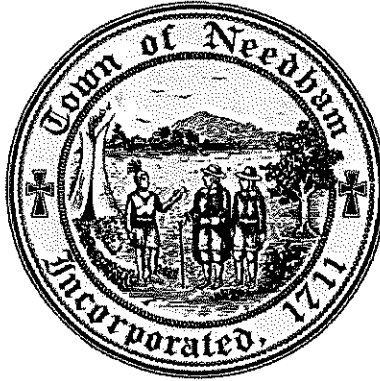
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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Open Special Town Meeting Warrant
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>The Board is scheduled to open the warrant for the May 13, 2019 Special Town Meeting. The Warrant is scheduled to be closed on April 10<sup>th</sup>.</p>
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
	<p><i>Suggested Motion:</i> That the Board vote to open the warrant for the May 13, 2019 Special Town Meeting.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p>a. Draft Special Town Meeting Warrant, March 22, 2019</p>

# TOWN OF NEEDHAM



## SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 13, 2019

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 3.22.2019

Additional information on particular warrant articles will be made available from time to time at [www.needhamma.gov/townmeeting](http://www.needhamma.gov/townmeeting) during the weeks leading up to the Special Town Meeting.



COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

MONDAY, THE THIRTEENTH DAY OF MAY, 2019

At 7:30 in the afternoon, then and there to act upon the following articles:

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FINANCE ARTICLES

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**ARTICLE X:     APPROPRIATE FOR N<sup>2</sup> INNOVATION DISTRICT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$20,000 for the purpose of funding the N<sup>2</sup> Innovation District, said sum to be spent under the direction of the Town Manager and raised from the FY2020 Tax Levy; or take any other action relative thereto.

INSERTED BY:     Select Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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**ARTICLE X:     AMEND THE FY2019 OPERATING BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting, and amended under Article 4 of the October 10, 2018 Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
14A	Finance Department Salary & Wages	\$1,905,197	\$1,880,197
14B	Finance Department Expenses	\$949,492	\$959,492
14C	Finance Department Capital	\$75,000	\$90,000

or take any other action relative thereto.

INSERTED BY: Finance Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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## COMMUNITY PRESERVATION ARTICLES

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### **ARTICLE X: AMEND THE FY2019 COMMUNITY PRESERVATION FUND BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Community Preservation Fund budget adopted under Article 31 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
B	Community Preservation Fund Annual Reserve	\$1,025,153	\$1,016,491
C	Community Housing Reserve	\$289,000	\$293,331
E	Open Space Reserve	\$289,000	\$293,331

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: This appropriation is required to ensure that the Town meets the required 10% minimum funding to the two reserves for FY2019. The Town received an increase in the contribution from the Commonwealth in FY2019, which accounts for the need to increase the reserves.

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## GENERAL ARTICLES

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### **ARTICLE X. AMEND GENERAL BY-LAW NON-CRIMINAL DISPOSITION**

To see if the Town will vote to amend Section 8.2.2.4 of the General By-Laws by inserting a new Sub-section U as follows:

“U. Excavation in a Public Way (Sub-section 2.2.5.1.4)

Enforcement Agent: Director of Public Works or his or her designee  
Fine Schedule:

\$0 – First Offense  
\$100 – Second Offense  
\$200 – Third Offense  
\$300 – Fourth and Subsequent Offense within the same calendar year”

Or take any other action relative thereto.

INSERTED BY: Select Board  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

Hereof fail not and make due return of this warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given into our hands at Needham aforesaid this 10<sup>th</sup> day of April, 2019.

*Select Board of Needham*

A TRUE COPY

Attest:

Constable:





**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Annual Town Meeting Warrant
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<p>The Town Manager will review final revisions to the 2019 Annual Town Meeting Warrant. The Board may wish to take positions on several articles.</p>	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<p><i>Suggested Motion:</i> That the Board vote to support (not to support) article _____ in the Annual Town Meeting Warrant.</p>	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<p>a. 2019 Annual Town Meeting Warrant Draft 3.22.2019 b. Status of Articles as of 3.22.2019</p>	

# TOWN OF NEEDHAM



## 2019 ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 9, 2019

Business meeting: Monday, May 6, 2019

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 3.22.2019

Additional information on particular warrant articles will be made available from time to time at [www.needhamma.gov/townmeeting](http://www.needhamma.gov/townmeeting) during the weeks leading up to Annual Town Meeting.

**WARRANT FOR THE ANNUAL TOWN MEETING  
TUESDAY, APRIL 10, 2018  
TOWN OF NEEDHAM  
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either of the constables in the Town of Needham in said County. Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the Inhabitants of the Town of Needham qualified to vote in elections and in Town Affairs to meet in their respective voting places in said Town namely:

Precinct A	-	The Center at the Heights
Precinct B	-	The Center at the Heights
Precinct C	-	Newman School - Gymnasium
Precinct D	-	Newman School - Gymnasium
Precinct E	-	Broadmeadow School - Performance Center
Precinct F	-	Needham High School – Gymnasium
Precinct G	-	Needham High School – Gymnasium
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

on TUESDAY, NINTH DAY OF APRIL, 2019

from seven o'clock in the forenoon until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

**ARTICLE 1: ANNUAL TOWN ELECTION**

To choose by ballot the following Town Officers:

One Moderator for Three Years;

One Member of the Select Board for Three Years;

One Town Clerk for Three Years;

One Assessor for Three Years;

Three Members of School Committee for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – Veteran) for Three Years;

One Trustee of Memorial Park (trustee of soldiers' memorials – non-veteran) for Three Years;

Two Trustees of Needham Public Library for Three Years;

One Trustee of Needham Public Library for Two Years;

One Member of Board of Health for Three Years;

Two Members of Board of Health;

One Member of Planning Board for Five Years;

One Member of Needham Housing Authority for Five Years;

One Commissioner of Trust Funds for Three Years;

One Commissioner of Trust Funds for One Year;

Two Members of Park and Recreation Commission for Three Years.

Eight Town Meeting Members from Precinct A for Three Years;

One Town Meeting Member from Precinct A for One Year;



Eight Town Meeting Members from Precinct B for Three Years;  
One Town Meeting Member from Precinct B for Two Years;  
Eight Town Meeting Members from Precinct C for Three Years;  
One Town Meeting Member from Precinct C for One Year;  
Eight Town Meeting Members from Precinct D for Three Years;  
Eight Town Meeting Members from Precinct E for Three Years;  
Eight Town Meeting Members from Precinct F for Three Years;  
Eight Town Meeting Members from Precinct G for Three Years;  
Eight Town Meeting Members from Precinct H for Three Years;  
Eight Town Meeting Members from Precinct I for Three Years;  
One Town Meeting Member from Precinct I for One Year;  
One Town Meeting Member from Precinct I for Two Years;  
Eight Town Meeting Members from Precinct J for Three Years.

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on Monday May 6, 2019 at 7:30 p.m. in the afternoon, then and there to act upon the following articles:

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### **Warrant for the Annual Town Meeting**

**Monday, May 6, 2019 at 7:30 p.m. at Needham Town Hall**

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#### **ARTICLE 2: COMMITTEE AND OFFICER REPORTS**

To hear and act on the reports of Town Officers and Committees.

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### **HUMAN RESOURCE ARTICLES**

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#### **ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES**

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2019, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$86,304
Town Clerk with 6 years of service in that position	\$106,800 (1)
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$8,544, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25% of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$66,374. The annual salary of \$106,800 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount

not to exceed \$11,091. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$15,527; or take any other action relative thereto.

INSERTED BY: Personnel Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

*Article Information: In accordance with Massachusetts General Law Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.*

*The annual stipends for the members of the Board of Selectmen have remained unchanged since 1977.*

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**ARTICLE 4: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.*

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**ARTICLE 5: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

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**ARTICLE 6: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM FIRE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Fire Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement from the Classification, Performance and Settlements line to the appropriate lines in the Operating Budget for fiscal year 2020; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

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**FINANCE ARTICLES**

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**ARTICLE 7: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$37,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Property Tax Assistance Program provides assistance to elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the “Voluntary Tax Relief Program” authorized by statute. The ultimate goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$X in fiscal year 2018.

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**ARTICLE 8:      APPROPRIATE FOR SENIOR CORPS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT:    Article be Adopted

*Article Information:*    The Senior Corps is a program in which qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, individuals are paid up to \$1,200 per year (calendar year 2019), which is applied to their property tax bills.

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**ARTICLE 9:      APPROPRIATE FOR COMPENSATED ABSENCES FUND**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$125,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT:    Article be Adopted

*Article Information:*    The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains.

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**ARTICLE 10:      APPROPRIATE FOR TEMPORARY STAFFING PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$76,000 for the purpose of funding a temporary staffing program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT:    Article be Adopted

*Article Information:*    The purpose of this appropriation is to establish a source of funding for temporary staffing needs across General Government departments. With the current unemployment rate at 3.8%, the Town is in a tight job market. Current employees have many options, and qualified potential applicants are in short supply. This program will allow the Town to work directly with temporary staffing agencies to address staffing need as they occur – due to unexpected or difficult to fill vacancies. This program will allow departments to continue to operate efficiently as they work to find a permanent replacement. Temporary staffing requests will be evaluated based on the operational needs of the department and duration of the assignment.

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**ARTICLE 11:     APPROPRIATE FOR PARK & RECREATION POOL STAFFING**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$69,419 for the purpose of funding Rosemary Pool staffing, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The opportunity to increase the season at the new Pools at Rosemary Recreation Complex is a high priority for both the Park & Recreation Commission and the Select Board. The requested funding will allow the Department to hire a part-time pool specialist and additional seasonal pool staff, and create a lifeguard retention program to expand the season in some capacity from Memorial Day to Labor Day. The expanded pool season initiative will be evaluated and, if successful, the Department will recommend that funding be included in the annual operating budget to support the program in the future.*

**ARTICLE 12:     APPROPRIATE FOR PUBLIC COMMUNICATIONS STAFFING**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$128,417 for the purpose of funding a Public Information Officer, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Not be Adopted

*Article Information: This appropriation would allow the Town to hire a Public Information Officer to direct the implementation of an integrated communications strategy for the Town. The PIO would work with individual boards and committees to gain understanding of their communications needs, provide ideas and recommendations, and implement those that are determined to be appropriate. The PIO would promote citizen participation in public events and solicit input on decision making through online marketing efforts; develop and implement on-line and mobile-based methods for receiving feedback from residents; promote the use of video through the Town's public access and other media; gather feedback on the functionality of the Town's website, make any changes that are deemed necessary, and expand information provided on the official website; coordinate the Town's social media and outreach accounts, ensuring compliance with established guidelines and consistency in messaging; and monitor both internal and external social media accounts and provide accurate information as required, directing the public to official Town sources.*

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**ARTICLE 13:     APPROPRIATE FOR RIDGE HILL/NIKE SITE CONSULTING & FEASIBILITY STUDY**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the development of reuse plans for Ridge Hill and the NIKE site, and for a feasibility study for the demolition of structures at Ridge Hill, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY:    Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: This funding will support the further development of re-use plans for the Ridge Hill Nike Site, including identification of the size and type of potential uses and roadway infrastructure. The work will build on the environmental assessment conducted in FY2018 that identified specific locations on the property that can be developed. The funding will also support the assessment, engineering and planning for the demolition of structures on the site.*

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**ARTICLE 14:      APPROPRIATE FOR TOWN-OWNED LAND SURVEYS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for survey of Town-owned lands, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY:   Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: Over the past 300 years, the Town has acquired land that has never been surveyed. In recent years, when the Town has begun the design process for construction on such parcels, survey data has been unavailable or incorrect, resulting in delays and added cost to projects. This funding will allow the Town to conduct land surveys, including title research, field work, analysis, installation of bounds or markers, drafting work, and recording of completed plans. This is a multi-year program in the amount of \$100,000 per year. Unless circumstances dictate otherwise, FY2020 funding is proposed for survey work at Claxton Field, Pollard School, the Boat Launch, Cooks Bridge, and Mills Field.*

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**ARTICLE 15:      APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$640,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$413,000 be transferred from Overlay Surplus and \$227,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY:   Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: This warrant article funds the annual maintenance of public buildings throughout the Town and School department, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2020 program will fund duct cleaning in all buildings at the High School, wood floor refinishing at the High School, Mitchell, Hillside, Newman, and High Rock Schools, and the Town Hall, and carpet replacement at the Pollard, Mitchell, and Eliot Schools. At Mitchell, improvements include upgrades to the electrical system, the fire alarm system, and the cafeteria/auditorium, as well as additional insulation in the attic and replacement of walls in two classrooms. Funding will support the design of an acoustical treatment in the gym at the Newman School and splitting of the chimney at the High Rock School. Recommended funding in FY2020 is \$640,000.*

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**ARTICLE 16: DOWNTOWN SNOW REMOVAL PILOT PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$35,000 for the purpose of funding the Downtown Snow Removal Pilot Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: This funding will support a pilot program for removal of snow and ice in the Downtown Business District. Currently, the Town deploys a hand crew with shovels and snow blowers to remove snow from handicapped ramps, pinch points (areas that are too narrow to use sidewalk tractors), and designated alleyways. The piece of equipment to be purchased is smaller in width and more maneuverable than a traditional sidewalk tractor. It is a ride-on piece of equipment that enables the operator to push through and relocate snow as it goes through difficult snow banks, faster than a push-behind snow blower.*

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**ARTICLE 17: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: The Small Repair Grant Program is being proposed to provide assistance to moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding would be available per residence, and applications will be evaluated and prioritized based on the extent of health and safety problems and the financial need of applicants. The Small Repair Grant Program responds to the findings and recommendations in the Council on Aging and Needham Public Health Division's Assessment of Housing and Transit Options for Needham Seniors which indicated that one of the major barriers to aging in place involves the costliness of modifying existing homes to increase accessibility.*

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**ARTICLE 18: APPROPRIATE THE FY2020 OPERATING BUDGET**

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from Free Cash in the amount of \$2,068,301, from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$105,159, and \$1,185,317 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line

item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as shown on pages: **x-x**

## **ARTICLE 19: APPROPRIATE THE FY2020 SEWER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise FY2020								
Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$916,696	11.0	\$978,169	11.0	\$1,028,667	11.0	
201B	Expenses	\$415,773		\$439,727		\$451,947		
201C	Capital Outlay	\$43,646		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,889,796		\$6,173,219		\$6,460,637		
201E	Debt Service	\$980,086		\$1,500,000		\$900,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
	<b>TOTAL</b>	<b>\$8,245,997</b>	<b>11.0</b>	<b>\$9,176,115</b>	<b>11.0</b>	<b>\$8,926,251</b>	<b>11.0</b>	
FY2020 Budget Percentage Change from FY2019 Budget								-2.7%

and to meet this appropriation that \$8,395,784 be raised from Sewer Enterprise Fund receipts, and that \$530,467 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: This article funds the operation of the Town's sanitary sewer system. The Town's sewage collection system consists of more than 130 miles of collector and interceptor sewers, 3,958 sewer manholes, and nine sewer pump stations. The Town's sewer system is a collection system that discharges its wastewater to the Massachusetts Water Resources Authority (MWRA) system for treatment. Approximately 65% of the Town's sewer collection system is a gravity-only system, and 35% of the sewer system is pumped into the gravity system. Needham has two principal points of discharge into the MWRA system and nine other public locations where subdivisions discharge to the MWRA system. Personnel maintain and operate 22 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in nine pumping facilities located throughout Town.*

*The Division also oversees the collection and transportation of stormwater (drains program) originating from rain and snow storms for discharge into streams, brooks, rivers, ponds, lakes, flood plains and wetlands throughout town. Stormwater and associated discharges are now considered by the Federal government as potentially contaminated, and have come under increasingly severe discharge performance standards. The intention is to reduce or eliminate contaminants contained in the flow washed from ground surfaces considered to be harmful to the environment. The Town's drainage infrastructure consists of approximately 90 miles of various size drainage pipes, 4,225 catch basins, 1,392 drainage manholes, and 295 drainage discharges.*



*The Sewer Enterprise Fund budget includes the costs of the drains program because the daily work is performed by Enterprise Fund staff. However, the costs not associated with sewer operations are funded by taxation and not by sewer use fees. The table below provides a breakout between the sewer operations and the drains program to compare the budget change in the two operations from the current year.*

Budget Line	FY2020 Sewer Operations	FY2020 Drains Program	FY2020 Recommended Budget	FY2019 Sewer Operations	FY2019 Drains Program	Current FY2019 Sewer Budget
Salary & Wages	\$662,279	\$366,388	\$1,028,667	\$634,833	\$343,336	\$978,169
Expenses	\$287,868	\$164,079	\$451,947	\$278,313	\$161,414	\$439,727
Capital Outlay	\$50,000	\$0	\$50,000	\$50,000	\$0	\$50,000
MWRA Assessment	\$6,460,637	\$0	\$6,460,637	\$6,173,219	\$0	\$6,173,219
Debt Service	\$900,000	\$0	\$900,000	\$1,500,000	\$0	\$1,500,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,395,784	\$530,467	\$8,926,251	\$8,671,365	\$504,750	\$9,176,115
	FY2020 Sewer Operations \$ Change	FY2020 Drains Operations \$ Change	FY2020 Sewer Enterprise \$ Change	FY2020 Sewer Operations % Change	FY2020 Drains Operations % Change	FY2020 Sewer Enterprise % Change
Salary & Wages	\$27,446	\$23,052	\$50,498	4.3%	6.7%	5.2%
Expenses	\$9,555	\$2,665	\$12,220	3.4%	1.7%	2.8%
Capital Outlay	\$0	\$0	\$0	0.0%		0.0%
MWRA Assessment	\$287,418	\$0	\$287,418	4.7%		4.7%
Debt Service	-\$600,000	\$0	-\$600,000	-40.0%		-40.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	-\$275,581	\$25,717	-\$249,864	-3.2%	5.1%	-2.7%

*The total operating budget of \$8,926,251 for FY2020 is \$249,864 less than the current FY2019 budget, a decrease of 2.7%. The decrease is due to a \$600,000 reduction in the sewer debt service line. This is a temporary decrease. The Town has several large scale utility infrastructure projects pending which will impact the enterprise debt budgets in the out years, which is in keeping with the overall capital infrastructure-funding plan for long term investments. The reduction in the debt service budget was partially offset by increases in the sewer operational expenses. The FY2020 drains operations portion of the budget is \$25,717 (5.1%) more than the current year.*

*The FY2020 sewer operations portion of the budget is \$275,581 lower, a decrease of 3.2% over the current year. As noted above, the decrease is due to the debt service budget. The \$6,460,637 MWRA preliminary assessment for FY2020 is \$287,418 more than the current appropriation, a 4.7% increase. The final assessment from the MWRA will be affected by the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor.*

*The total salary and wages line is \$1,028,667 for FY2020, an increase of \$50,498 (5.2%). The sewer division has 11 full-time employees all of which are members of the NIPEA union. The budget includes step and longevity increases for all the employees who are members of the union, based on the collective bargaining agreement with this group for FY2020, which was approved by Town Meeting.*

*The total expense line for FY2020 is \$451,947 which is \$12,220 or 2.8% more than the current year. The largest of the expense increase (\$9,319) is for the energy - electric and natural gas - used to operate the various sewer pump stations. The estimated cost for street sweeping, and the collection and disposal of catch basin and street sweeping debris is \$3,312 higher than the current year. There is an increase in vehicle-related expenses (fuel) of \$1,862. The annual sewer flow meter maintenance expense is*

anticipated to increase by \$875. These increases were offset in part by budget decreases for repair and maintenance contracts (\$2,743) and various supplies (\$405).

The operating capital line is level funded at \$50,000 for FY2020. This budget line pays for grinder replacements and allows the department to continue its annual allocation for sewer pump and small power equipment replacement. The plan for FY2020 is the replacement of one pump at the Great Plain Pump Station and replacement of a grinder at the Reservoir B Pump Station.

The reserve fund is level dollar for FY2020. The budget plan for FY2020 includes a \$530,467 transfer from the tax levy to pay for drains-related programs; this is an increase of \$25,717 from FY2019.

The Sewer Enterprise Fund also reimburses the general fund for costs incurred and paid by General Fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Sewer Enterprise Fund budget is a self-supporting account. Sewer user fees and charges cover the cost of the sewer operations and the general fund payment supports the drains program.

## **ARTICLE 20: APPROPRIATE THE FY2020 WATER ENTERPRISE FUND BUDGET**

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2020, under the provisions of M.G.L. Chapter 44, Section 53F ½:

### **Water Enterprise FY2020**

Line #	Description	FY2018		FY2019		FY2020		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,249,859	17.0	\$1,272,879	17.0	\$1,331,359	17.0	
301B	Expenses	\$1,013,144		\$1,137,563		\$1,209,762		
301C	Capital Outlay	\$23,092		\$20,000		\$15,000		
301D	MWRA Assessment	\$1,109,794		\$856,049		\$1,413,150		
301E	Debt Service	\$1,404,398		\$1,550,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
<b>TOTAL</b>		<b>\$4,800,287</b>	<b>17.0</b>	<b>\$4,911,491</b>	<b>17.0</b>	<b>\$5,294,271</b>	<b>17.0</b>	
FY2020 Budget Percentage Change from FY2019 Budget							7.8%	

and to meet this appropriation that said sum be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article funds the Town's water system. The Town's water distribution system is a single service pressure zone system supplied by two sources. The Town's primary source of water is the Charles River Well Field which is able to produce up to 4.6 million gallons of water per day (the Town is registered for approximately 2.63 million gallons of water per day). The Charles River Well Field consists of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin

Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station located at the corner of St. Mary Street and Central Avenue. This supply is used when the Town's demand for water is greater than the local supply, and serves as a backup should the Town's wells need to be taken off-line. Water Division staff operate the water treatment plant and also operate, maintain, and repair the Town-wide water distribution system. The system is comprised of more than 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,069 water service connections. This system supports approximately 14,545 installed meters.

The overall operating budget for FY2020 is \$5,294,271 or \$382,780 (7.8%) more than the FY2019 budget. The increase is the result of a much higher MWRA assessment for the Town's use of water. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2020 water assessment is based on CY2018 water use. The Town's use of MWRA water was up approximately 59% from the prior year. The preliminary water assessment for FY2020 is \$557,101 (65.1%) more than the appropriation for this year. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	CY2016	CY2017	CY2018
Water Production*	1,217.3	1,166.4	1,308.3
Water Production from MWRA	327.1	225.9	358.5
Water Production from Town Wells	890.2	940.5	949.8
Percentage from MWRA	26.9%	19.4%	27.4%
*millions of gallons			
Water meters replaced	1,348	1,315	1,454
Percentage of the total number of water meters in place for that year	9.3%	9.0%	10.0%

The FY2020 salary and wage expense line is \$1,331,359, an increase of \$58,480 (4.6%) over the current budget. The Water Enterprise has 17 full-time employees of which 13 are unionized. Twelve employees are members of the NIPEA union and one employee is a member of the ITWA union. The budget includes step and longevity increases for employees who are members of the two unions based on the collective bargaining agreements with the two groups for FY2020. The budget also includes funding for non-union personnel.

The water expense line of \$1,209,762 is \$72,199 higher than the FY2019 budget, approximately 6.4% more. Approximately 58% of that increase (\$41,780) is for electricity and natural gas services to operate the water treatment plant, water pump stations, and the two water tanks. The cost for supplies and materials is \$16,819 more than the current, a 3.2% increase. This includes the purchase of supplies for the water building facilities, water department vehicles and equipment, employee uniforms, drinking water treatment chemicals, and various water parts for water mains, meters, and connections. Professional and technical services increased by \$8,100 (9.3%) due to higher costs for water quality sampling, water cross connection survey and testing at larger facilities which requires the use of outside contractors due to time, access, size, and complexity constraints, and software upgrades. The cost was offset in part by the one-time expense for the Dunster and Bird Hill water tank inspections and testing that was budgeted for FY2019. Tree and brush clearing expenses are \$5,500 more for FY2020 than FY2019. This cost includes the clearing of fire roads for emergency response at the water treatment plant.

*The operating capital expense is \$5,000 less than the current year. The planned expenses are the replacement of two filter influent valves at the water treatment plant which are original and are recommended to be replaced every 15 years.*

*Similar to the Sewer Enterprise, the water debt service line has been reduced for FY2020. The \$300,000 decrease represents a 19.4% reduction. The water infrastructure demands will impact the debt budget in the out years. The water reserve fund is level dollar for FY2020.*

*The Water Enterprise Fund also reimburses the general fund for costs incurred and paid by general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Water Enterprise Fund budget is a self-supporting account. Water user fees and charges cover the entire cost of operations.*

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**ARTICLE 21:     SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS**

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019 for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½, or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2020 Spending Limit
Home Composting	Department of Public Works	\$3,000
Immunization Program	Health and Human Services Department	\$25,000
Memorial Park Activities	Memorial Park Trustees	\$4,100
Needham Transportation	Health and Human Services Department	\$60,000
Public Facility Use	Department of Public Works	\$250,000
School Transportation	School Committee	\$819,000
Traveling Meals	Health and Human Services Department	\$75,000
Tree Replacement	Department of Public Works	\$25,000
Water Conservation	Department of Public Works	\$10,000
Youth Services Programs	Health and Human Services Department	\$25,000

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2020 Spending Limit
Aging Services Programs	Health and Human Services Department	\$90,000

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

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#### **ARTICLE 22: APPROPRIATE TRANSPORTATION IMPROVEMENT FEES**

To see if the Town will vote to appropriate funds from the Commonwealth Transportation Infrastructure Fund in the sum of \$12,477.50 for the purpose of transportation infrastructure improvements, said sum to be spent under the direction of the Town Manager, or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information:* Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. Each Transportation Network Company (such as Uber and Lyft) is assessed \$0.20 per ride to fund transportation improvements. One-half of the amount received from the Fund is to be distributed proportionately to each city and town based on the number of rides that originated in that city or town. The distributed funds must be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town. Funding for Transportation Improvements in FY2020 is recommended at \$12,478 and will be allocated to bicycle safety initiatives, unless circumstances require otherwise.

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#### **ARTICLE 23: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS**

To see if the Town will vote to authorize the Town Manager to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town ways and authorize the expenditure of funds received, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. The preliminary FY2020 Chapter 90 allocation for the Town is \$920,152. Unless circumstances require otherwise, the FY2020 Chapter 90 allocation will be directed to the design of the second phase of the downtown design improvement project.*

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## ZONING / LAND USE ARTICLES

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### **ARTICLE 24:      AMEND ZONING BY-LAW – ACCESSORY DWELLING UNIT**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

2. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial-1 Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>“USE</u>	<u>RRC</u> <u>SRA</u>	<u>SRB</u>	<u>GR</u>	<u>A-1.2</u> & 3	<u>I</u>	<u>IND</u>	<u>IND-1</u>
Accessory Dwelling Unit (See 3.15)	SP	SP	SP	SP	SP	SP	SP”

3. Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by inserting immediately above the row that reads “Café or lecture room associated with a private school” a new entry, which shall read as follows:

<u>“USE</u>	<u>B</u>	<u>CSB</u>	<u>CB</u>	<u>ASB</u>	<u>HAB</u>
Accessory Dwelling Unit (See 3.15)	SP	N	N	SP	SP”

4. Amend Section 3.2.3, Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (c) that reads “Accessory Dwelling Unit

under Section See 3.15” and by renumbering former paragraphs (c) thru (o) as (d) thru (p) respectively.

5. Amend Section 3, Use Regulations, by adding a new Section 3.15, Accessory Dwelling Units (ADUs), to read as follows:

“3.15 Accessory Dwelling Units (ADUs)

3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family and caregivers related to the owners of the property subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remains subordinate to the principal use of the living quarters.

3.15.2 Definition

The accessory dwelling unit (ADU) is an apartment in a second, self-contained dwelling unit as part of a single-family detached dwelling serving as a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot, constructed to maintain the appearance and essential character of the single-family dwelling.

3.15.3. Use Regulations

Such accessory dwelling unit (ADU) shall be permitted upon the issuance of a Special Permit by the Board of Appeals under the following use regulations:

- (a) There shall be no more than one accessory dwelling unit on a lot to be located in the primary dwelling only, not in accessory buildings.
- (b) At least one of the units, the primary or accessory dwelling unit, shall be owner-occupied except for temporary absences of the owner as provided herein. For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence. Temporary absence of an owner of a property containing an accessory dwelling unit shall include an absence for a period of nine months or less during which time the owner may rent the owner's unit as well as the second unit during the temporary absence provided:
  - (1) Written notice thereof shall be made to the Building Commissioner on a form prescribed by him.
  - (2) The owner shall be resident on the property for at least two years prior to and between such temporary absences.
- (c) Occupancy of the unit that is not owner-occupied shall be limited to a member of the owner's family related by first degree of kinship, marriage or adoption or to a caregiver for a member of the owner's family. For purposes of this section "caregiver" shall be defined as an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance.

- (d) The size of the accessory dwelling unit shall be limited to 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (f) Adequate provisions for the proper disposal of sewage, waste, and drainage generated by the accessory dwelling unit shall be in accordance with Board of Health requirements.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to accessory dwelling units, shall be required. To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. Any new entrance shall be located on the side or in the rear of the building. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an accessory dwelling unit application to the Building Commissioner. Floor plans of the accessory unit and principal residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the accessory dwelling unit shall require the issuance of a building permit by the Building Commissioner.
- (j) Occupancy of the accessory dwelling unit shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three-year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By-laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy unless an owner's affidavit is presented to the Building Commissioner attesting to the fact that the circumstances under which the occupancy permit was granted shall continue to exist in the future.
- (k) In the case that the accessory dwelling unit has violated the terms of the Special Permit or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating. Upon the close and approval of permits required to remove such components will return the property back to a lawful single-family dwelling."

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting



*Article Information:* Article 24 establishes a special permit process to enable the Board of Appeals to permit accessory dwelling units (ADUs) in single-family homes for occupancy by family member(s) related to the owners of the property and caregivers of family members, subject to specified standards and procedures. It is also the intent of this zoning to assure that the single-family character of a neighborhood will be maintained and that the necessary accessory unit remains subordinate to the principal use of the living quarters. ADUs will be allowed in all zoning districts with the exception of the Chestnut Street Business District, Center Business District, Mixed-Use 128 District, Highland Commercial 128 District, and New England Business Center District. In these zoning districts single-family homes are not currently permitted.

Under Article 24, the accessory dwelling unit (ADU) is defined as an apartment that is a second, self-contained dwelling unit as part of a single-family detached dwelling serving as a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot, and constructed to maintain the appearance and essential character of the single-family dwelling.

To accomplish this, the by-law restricts size, occupancy, and exterior conditions. In regards to size, the ADU is limited to one-bedroom and 850 square feet with no more than one ADU per lot. Additionally, the ADU must be located in the primary structure, not in an accessory building. In regard to occupancy, at least one of the units must be owner-occupied; and occupancy of the unit that is not owner-occupied is limited to a member of the owner's family related by first degree of kinship, marriage or adoption or by a caregiver for a member of the owner's family. Temporary absence of an owner of a property containing an accessory dwelling unit is permitted for a period of nine months or less during which time the owner may rent the owner's unit as well as the second unit during the temporary absence provided: 1) Written notice is made to the Building Commissioner on a form prescribed by him. 2) The owner shall be resident on the property for at least two years prior to and between such temporary absences. With respect to exterior appearance, the by-law requires separate ingress and egress to the outside of each unit that do not detract from the single-family appearance of the dwelling. Any new entrance shall be located on the side or in the rear of the building. Where there are two or more existing entrances on the front façade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other appears to be secondary. Moreover, all stairways must be enclosed within the exterior walls of the structure. An interior door way is also required for access between each unit for purposes of supervision and emergencies. There must also be sufficient off-street parking, defined as a minimum of one space per unit.

Applications to create an ADU must be submitted to the Building Commissioner with floor plans and a certified site plan. Beyond the special permit from the Board of Appeals, building and occupancy permit approvals are required from the Building Commissioner. All units must be in compliance with Board of Health and State Building Code regulations.

The occupancy permit will be provided for a three-year period after which succeeding three-year periods will be allowed assuming continued compliance with zoning requirements. The occupancy permits will not be transferable upon a change of ownership or occupancy unless an affidavit affirming continuing compliance with the conditions of the occupancy permit is received and approved by the Building Commissioner. In the case of violations of the terms of the special permit or the expiration of the lawful use of the ADU, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the components that create a separate dwelling unit such as living, sleeping, cooking and eating, returning the unit to a lawful single-family dwelling.

**ARTICLE 25:      AMEND ZONING BY-LAW – DIMENSIONAL AND USE REGULATIONS  
FOR THE TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT OF THE  
LOWER CHESTNUT STREET OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) Within the Transit Oriented Development Sub-District (“TODD”), Multi-Family Dwelling development with dwelling units on the ground floor provided:
  - (1) No development shall contain more than 150 units.
  - (2) No unit shall have more than 2 bedrooms.
  - (3) At least 50% of the units within any development shall be one-bedroom units.”
2. By adding to the end of Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, the following language:

“The following lot area, frontage, and setback requirements shall apply only to development in the TODD of the Lower Chestnut Street Overlay District:

  - (a) Minimum Lot Area: 15,000 square feet.
  - (b) Minimum Lot Frontage: 50 feet.
  - (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.
  - (d) Maximum Front Setback. 150 feet from the front property line.
  - (e) Minimum Side and Rear Setback for Non-Multi-Family Dwelling-Only Developments:
    - (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.
    - (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.
  - (f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:

- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
  - (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.”
3. By adding to the end of Section 3.9.4.2, Building Height Requirements, the following language:
 

“The maximum building height in the TODD of Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of five (5) stories and sixty (60) feet, provided that the fifth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the TODD of the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”
4. Amend Section 3.9.4.3, Building Bulk and Other Requirements, by adding at the end of the section the following language: “The provisions of subsection (b) (2) shall not apply to development within the TODD of the Lower Chestnut Street Overlay District”.
5. Amend Section 3.9.5, Off-Street Parking, by:
 

Adding a new subsection (a) (3), which shall read as follows:

“(a)(3) For dwelling units in a Multi-Family Dwelling-only development within the TODD, the minimum number of off-street parking spaces shall be 1.25 spaces per dwelling unit.”; and

Adding a new subsection Section 3.9.5(c), which shall read as follows:

“Within the TODD, in addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”
6. By adding a new Section 3.9.6.1, Affordable Housing in the TODD, which shall read as follows:
 

“Within the TODD, mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

  - (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
  - (b) At least twelve and one-half percent (12.5%) shall be affordable units. In the instance of a fraction, the fraction shall be rounded to the nearest whole number.
  - (c) All other requirements of Section 3.8.6 subparagraphs (c) thru (h) shall apply.”
7. By adding a new Section 3.9.9, Drive Aisle Requirements in the TODD, which shall read as follows:
 

“Notwithstanding the provisions of Section 5.1.3(i), within the TODD of the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking

spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be made at Town Meeting

Article Information: Articles 25 -27 represent a package of proposed zoning by-law amendments that stem from more than two years of work by the Planning Board. The articles seek to secure implementation of the Needham Center Development Plan dated March 30, 2009, by enabling the development of housing at a location proximate to transit at the Needham Junction MBTA Commuter Rail Station and within walking distance to Needham Center and the Chestnut Street businesses. Article 25 proposes the creation of a new Transit Oriented Development Sub-District (TODD) within the Lower Chestnut Street Overlay District and lays out the regulatory framework for the new sub-district. Article 27 describes the geographical boundaries of the TODD. The affected area comprises 433 Chestnut Street and the land located directly to the south and the west of 433 Chestnut Street, owned by the M.B.T.A. and shown as Parcel 2 on a plan entitled “Re-zoning Plan of Land”, prepared by Beals and Thomas, dated April 3, 2018. The land located at 433 Chestnut Street is currently located in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The land located directly to the south and the west of 433 Chestnut Street and owned by the M.B.T.A., is currently located within the Single Residence B zoning district. This later parcel is proposed to be rezoned to the Chestnut Street Business District and the Lower Chestnut Street Overlay District under Article 26 so that the TODD provisions may be extended to that location. The planning goals for the sub-district and its key provisions are summarized below.

The rezoning seeks to allow a multi-family housing development of up to 150 units to be developed at 433 Chestnut Street and on the adjacent M.B.T.A. property. This gateway location at the southern end of Chestnut Street is challenged by the train tracks that surround the site, limited frontage and a difficult site configuration. These challenges have limited the desirability of the property to be utilized for retail development (due to a lack of visibility), condominium development (due to the adjacencies of the rail tracks and the Eversource electric transmission facility to the south), or an active commercial user other than the existing landscape business, which is a benefit to the Town, but which does not provide any benefit to the streetscape or activation for adjacent businesses. The Town’s current zoning contributes to these problems further by posing use and dimensional barriers to redevelopment. Specifically, the existing zoning allows for multi-family development in the Chestnut Street Overlay District, but requires an increased frontage, limits height to 4 stories, and requires ground floor retail uses, which are all challenges for development at this location. Additionally, the existing zoning establishes minimum side and rear yard setback standards from residential district boundaries and the MBTA right-of-way which are inappropriate at a site where the proposed use is exclusively residential and does not include a commercial component.

The proposed TODD is designed to address these development constraints by placing supplemental provisions on top of those which already exist in the Lower Chestnut Street Overlay District thereby creating additional opportunities for development at the subject location. The TODD’s key provisions are summarized below.

#### Permitted Uses

Uses allowed as-of-right and by special permit in the Lower Chestnut Street Overlay District are also allowed as-of-right or by special permit in the TODD of the Lower Chestnut Street Overlay District. In addition, development of multi-family units at grade is permitted in the TODD by special permit provided: No development shall contain more than 150 units; No unit shall have more than 2 bedrooms;

and At least 50% of the units within any development shall be one-bedroom units. Current zoning in the Lower Chestnut Street Overlay District allows multi-family development by special permit but requires commercial use at the ground floor level.

#### Lot Area and Frontage

The Lower Chestnut Street Overlay District still requires a minimum lot area of 15,000 sq. ft. and lot frontage of 100 feet. The TODD of the Lower Chestnut Street Overlay District requires a minimum lot area of 15,000 sq. ft. but reduces lot frontage to 50 feet. The frontage requirement in the TODD has been reduced to 50 feet as the subject development site (due to the railroad tracks that surround the site) has less than 100 feet of frontage on Chestnut Street.

#### Minimum Front Setback

The minimum front yard setback in both the TODD of the Lower Chestnut Street Overlay District and the Lower Chestnut Street Overlay District is the lesser of 5 feet from the property line or the average setback of abutting buildings within 100 feet on the same side of the street as the development.

#### Maximum Front Setback

The Lower Chestnut Street Overlay District requires a maximum front yard setback of 15 feet from the front property line. This was imposed in an effort to establish a strong building line along the street edge of Chestnut Street. The TODD of the Lower Chestnut Street Overlay District establishes a maximum front yard setback of 150 feet from the front property line due to the shape of the affected parcel and its limited frontage at Chestnut Street.

#### Minimum Side and Rear Setbacks

In the TODD of the Lower Chestnut Street Overlay District a reduction in the minimum side and rear yard setback from the lot line abutting the MBTA (25 feet reduced to 5 feet) is afforded for multi-family development only, with the 5 foot area to be suitably landscaped and not used for any other purpose. For all other development in the TODD the rules of the Lower Chestnut Street Overlay District apply as follows. For lots adjacent to the MBTA right-of-way, the minimum yard setback is 25 feet from the lot line abutting the MBTA right-of-way. The 10 feet of the setback closest to the MBTA right-of-way must be suitably landscaped and not used for any other purpose except surface parking, if approved by special permit from the Planning Board. The remaining 15 feet may be used for an accessory use, not including a building or structure, but an underground parking structure would be allowed if located entirely below the grade of the existing lot.

In the TODD of the Lower Chestnut Street Overlay District a reduction in the minimum side and rear yard setback from the lot line abutting a residential district (50 feet reduced to 5 feet) is afforded for multi-family development only with the 5 foot area to be suitably landscaped and not used for any other purpose. For all other development in the TODD the rules of the Lower Chestnut Street Overlay District apply as follows. For lots abutting a residential district, the minimum yard setback is 50 feet from the district boundary. The 25 feet closest to the district boundary must be suitably landscaped and not used for any other purpose. By special permit from the Planning Board, however, an underground parking structure may be permitted within the 50 foot setback provided the garage structure is located entirely below the grade of the existing lot and is set back at least ten 10 feet from the district boundary or 10 feet from the lot line, whichever is greater. The 25 feet closest to the district boundary must be suitably landscaped over the surface of the garage structure.

#### Building Height Requirements

In the TODD of the Lower Chestnut Street Overlay District the maximum by right building height remains unchanged from that of the Lower Chestnut Street Overlay District at two and one-half stories and thirty-five feet. For lots in the TODD having the required minimum frontage of 50 feet on Chestnut

*Street, the Planning Board may grant a Special Permit for a maximum building height of 5 stories and 60 feet, provided that the fifth story is located under a pitched roof or is recessed from the face of the building. Current zoning for the Lower Chestnut Street Overlay District authorizes by special permit a maximum building height of 4 stories and 48 feet for lots having 100 feet of frontage on Chestnut Street.*

**Building Bulk and Other Requirements**

*The maximum as-of-right Floor Area Ratio (FAR) in both the TODD of the Lower Chestnut Street Overlay District and the Lower Chestnut Street Overlay District is 0.7. For lots with conforming frontage (50 ft. in the case of the TODD and 100 ft. in the case of the Overlay) on Chestnut Street, the Planning Board has the authority to grant special permits for an increase in the maximum FAR to 1.5 or 2.0. In the case of the Lower Chestnut Street Overlay District the increase in the maximum FAR is subject to the same two-tier standards that apply in the Needham Center Overlay District. In the case of the TODD of the Lower Chestnut Street Overlay District an exception to the two-tier standard is afforded so to permit waivers of minimum parking requirements and payment of the in lieu off-street parking fee.*

**Off-Street Parking**

*For dwelling units in a multi-family dwelling-only development within the TODD of the Lower Chestnut Street Overlay District, the minimum number of off-street parking spaces is 1.25 spaces per dwelling unit. For dwelling units in a mixed-use building in the Lower Chestnut Street Overlay District, the minimum number of off-street parking spaces is 1.5 spaces per dwelling unit.*

**Affordable Housing**

*The TODD of the Lower Chestnut Street Overlay District requires affordable housing in larger mixed-use development and multi-family dwelling-only development, i.e., those with six or more dwelling units. At least one affordable unit is required for a development with six to eight units. For a development with nine or more units, at least 12.5 percent must be affordable. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. Floor area devoted to affordable housing is exempt from the total floor area used to calculate maximum FAR. This represents an increase from the affordable housing requirement presently in place for the Lower Chestnut Street Overlay District where for developments with six or more dwelling units 10 percent of total units are required to be affordable.*

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**ARTICLE 26: AMEND ZONING BY-LAW – MAP CHANGE TO CHESTNUT STREET BUSINESS DISTRICT AND LOWER CHESTNUT STREET OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Chestnut Street Business District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled “RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)...” dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running;

NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said district over the Chestnut Street Business District as noted above, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: Article 26 describes the geographical area located directly to the south and the west of 433 Chestnut Street proposed to be placed in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The affected area comprises land located directly to the south and the west of 433 Chestnut Street, owned by the M.B.T.A. and shown as Parcel 2 on a plan entitled "Re-zoning Plan of Land", prepared by Beals and Thomas, dated April 3, 2018. The land is currently located within the Single Residence B zoning district.*

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**ARTICLE 27: AMEND ZONING BY-LAW – MAP CHANGE TO TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT OF LOWER CHESTNUT STREET OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- a) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and depicted on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being of property now or formally owned by Joseph and Giselda Cucci more particularly bounded and described as follows: Beginning at a point on the most southwesterly corner opposite station 476+75.57 of the monumented railroad base line as shown on said plan; thence running NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 374.84 feet to a point on the northwesterly corner of land now or formerly of MBTA Right of Way; thence turning and running SOUTHEASTERLY by a curve having a radius of 478.68 feet and a distance of 487.77 feet to a point on the westerly side of the Chestnut Street Right of Way; thence turning and running in the SOUTHERLY direction along the Chestnut Street Right of Way a distance of 44.5 feet to a point on the MBTA Right of Way; thence turning and running in the WESTERLY direction along said MBTA Right of Way a distance of 228.81 feet to a point; thence turning and continuing in the WESTERLY direction along said Right of Way a distance of 108.53 feet to a point; thence turning and running in the NORTHERLY direction along said Right of Way a distance of 136.06 feet to a point; thence turning and running in the WESTERLY direction a distance of 110.10 feet to the point of beginning. Containing 100,470 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: Article 27 describes the geographical area proposed to be placed in the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District. The affected area comprises 433 Chestnut Street and the land located directly to the south and the west of 433 Chestnut Street, owned by the M.B.T.A. and shown as Parcel 2 on a plan entitled "Re-zoning Plan of Land", prepared by Beals and Thomas, dated April 3, 2018. The subject land located at 433 Chestnut Street is currently located in the Chestnut Street Business District and the Lower Chestnut Street Overlay District. The subject land located directly to the south and the west of 433 Chestnut and owned by the M.B.T.A. is currently located within the Single Residence B zoning district. This later parcel is proposed to be*



rezoned to the Chestnut Street Business District and the Lower Chestnut Street Overlay District under Article 26 above.

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**ARTICLE 28: AMEND ZONING BY-LAW – SELF STORAGE FACILITIES IN MIXED USE-128 DISTRICT**

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of “Retaining Wall” and before the existing definition of “Setback”:

**“Self-Storage Facility** – a climate-controlled facility constructed and configured to allow access to individuals or businesses who will lease individually self-contained units of the facility for the storage of personal or business possessions, excluding the storage of flammable liquids, gas or explosives.”

2. Section 3.2.6 Uses in the Mixed-Use-128 District, by adding a new subsection (m) to subsection 3.2.6.2 Uses Permitted By Special Permit, to read as follows:

“(m) Self-Storage Facility.”

3. Section 5.1.2 Required Parking, by adding a new subsection (21), to read as follows:

“(21) Self-Storage Facility	One space per 10,000 square feet of floor area, plus one space per full-time employee”
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INSERTED BY: Michael Suprenant, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information:

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**COMMUNITY PRESERVATION ACT ARTICLES**

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**ARTICLE 29: APPROPRIATE FOR FIRST BAPTIST CHURCH PORCH PRESERVATION**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$799,040 for the First Baptist Church Porch Preservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from CPA Fund Receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information:     *The First Baptist Church has requested funding for the first of a multi-phase project to restore and preserve the 1856 building. The funding would support the restoration of the front porch – a prominent and identifying feature of the First Baptist Church. The restoration would include doors, columns, and decorative and architectural elements and detailing. The project also includes the restoration of the Church’s historic clock and bell system.*

**ARTICLE 30:      APPROPRIATE FOR MODERNIZATION AND REDEVELOPMENT OF AFFORDABLE HOUSING CONSULTANT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$150,000 for a modernization and redevelopment of affordable housing consultant, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:* The Needham Housing Authority has requested funding for a consultant to develop the architectural, engineering, survey, financial modeling, legal and related documents necessary for the Authority to obtain State and Federal funding for major modernization projects.

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**ARTICLE 31:      APPROPRIATE FOR FISHER STREET TRAILHEAD DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the Fisher Street Trailhead design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:* The requested funding will support the design of a trailhead for the 1.3 mile Needham Rail Trail that runs from the Charles River to the Town Forest at High Rock Street. The proposed trailhead includes a driveway, parking area, wood rail fence/guardrail, landscaping, benches, signage, and interpretive elements. The addition of parking and associated amenities will increase and improve public access to this recreational asset.

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**ARTICLE 32:      APPROPRIATE FOR TOWN COMMON RENOVATION DESIGN**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$117,000 for the Town Common renovation design, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:* The Town Common Renovation Project includes the green space and hardscape area of the Common, and is proposed to maximize the current use of space, complement Town Hall, enhance the "blue tree," and integrate with the new streetscape improvements. The project includes sod, trees, plantings, low maintenance hardscape materials, and improved accessibility. Pathways and landscaping will be adjusted for improved functionality, and electrical and sound capacity will be installed to accommodate community events. This article would fund the final design of the project.

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**ARTICLE 33:     APPROPRIATE FOR ROSEMARY LAKE TRAIL PROJECT**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$200,000 for the Rosemary Lake Trail project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 General Fund Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:*     The Rosemary Lake Trail Project includes improvements to lake access and trails. The funding would allow the Town to would replace the more than 30 year old dock at Rosemary Lake with one that can be used for canoes, kayaks, and paddle boats. In addition, on the camp property side of the Lake, a picnic pavilion will be installed after the existing buildings are demolished to make the trail more attractive and useful to the public.

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**ARTICLE 34:     APPROPRIATE FOR CRICKET FIELD RENOVATIONS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$480,000 for Cricket Field renovations, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:*     The purpose of this project is to improve the functionality of Cricket Field. The field does not have a fully-functioning irrigation system, and the grading on the site is inconsistent and leads to localized draining issues. As part of the project, all turf will be stripped and top soil will be removed. The field will be regraded and the soil will be amended to allow for improved drainage. A new irrigation system will be installed and the field will be sodded.

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**ARTICLE 35:     APPROPRIATE FOR PLAYGROUND IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$350,000 for playground improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the FY2019 CPA General Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:*     This article is part of the Park & Recreation Commission's overall plan to improve playgrounds through the Town. This funding would add handicap accessible features at Greene's Field and Cricket Field, and begin the addition of poured-in-place pathways at other playgrounds

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### **ARTICLE 36:     APPROPRIATE TO COMMUNITY PRESERVATION FUND**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to Massachusetts General Law Chapter 44B from the estimated FY2020 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

#### **Appropriations:**

A. Administrative and Operating Expenses of the Community Preservation Committee     \$82,000

#### **Reserves:**

B. Community Preservation Fund Annual Reserve     \$845,546

C. Community Housing Reserve     \$312,071

D. Historic Resources Reserve     \$0

E. Open Space Reserve     \$312,071

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.*

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## **CAPITAL ARTICLES**

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### **ARTICLE 37:     APPROPRIATE FOR GENERAL FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$6,907,752 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$6,788,252 be transferred from Free Cash; that \$9,500 be transferred from Article 42 of the 2013 Annual Town Meeting for the DPW Boiler Replacement Design, that \$10,000 be transferred from Article 39 of the 2015 Annual Town Meeting for the High School Locker Reconfiguration & Addition, and that \$100,000 be transferred from Article 4 of the 2017 May Special Town Meeting for the DPW Boiler Replacement Design, Energy Efficiency Upgrade Improvements, and the High School Locker Reconfiguration & Addition, or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Center at the Heights Computer Lab	\$50,000	
Community Services	Library Furniture Replacement	\$112,960	
DPW	DPW Boiler Replacement 470 Dedham Avenue	\$50,000	
DPW	Public Works Infrastructure Program	\$2,169,550	
DPW	Specialty Equipment - Tractor	\$68,000	
DPW	Traffic Improvements	\$50,000	
DPW	Transfer Station Property Improvements	\$295,000	
General Government	Town Multi-Function Printer Devices	\$35,600	
General Government	Town Offices Replacement Furniture	\$25,000	
Multiple	Building Management System Upgrade	\$392,000	
Multiple	Fleet Replacement Program	\$1,270,648	
Public Safety	Personal Protective Equipment	\$43,424	
Public Safety	Police and Fire Mobile and Portable Radios	\$617,550	
Public Safety	Public Safety Desktops, Printers and Peripherals	\$200,000	
Public Safety	Public Safety Mobile Devices	\$35,000	
Public Schools	Energy Efficiency Upgrade Improvements	\$57,000	
Public Schools	High School Locker Reconfiguration & Addition	\$50,000	
Public Schools	Mitchell School Restroom Upgrades	\$67,000	
Public Schools	Newman Preschool Playground Custom Shade Shelter	\$69,200	
Public Schools	Newman School Gym Floor	\$275,000	
Public Schools	Pollard School Blue & Green Gym Score Boards	\$30,000	
Public Schools	School Furniture & Equipment	\$35,000	
Public Schools	School Master Plan Supplement	\$125,000	
Public Schools	School Photocopier Replacement	\$52,470	
Public Schools	School Technology Replacement	\$632,350	
Public Schools	Sustainable Building Management Facility Assessment (Broadmeadow & Eliot)	\$100,000	
		\$6,907,752	

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

Center at The Heights Computer Lab

*The purpose of this request is to replace the hardware and upgrade software associated with the Center at The Heights (CATH) Computer Lab. This will include desktops, laptops, servers, switches, firewall, and software upgrades. New models will take advantage of upgraded operating systems and faster processors to better serve the users of the Computer Lab.*

### Library Furniture

*This request is for the second year of a four-year plan to replace library furniture. The Library has been open to the public for more than twelve years, and, due to heavy use, the furniture is beginning to show wear and tear. This request is to replace the community room audience stackable chairs.*

### DPW Boiler Replacement Design/470 Dedham Avenue

*This funding will support design of the replacement of the DPW/470 Dedham Avenue boiler with two high efficiency condensing boilers. The increase to two boilers is based on both the need for redundancy in the heating season and the desire to improve energy efficiency. The boiler at the DPW was installed in 1961 and is past its useful life. This project may be eligible for energy efficiency rebates to offset the cost of buying a more efficient model. The project includes the upgrade of heat piping throughout the building with the assumption that the building will need to remain in use for the foreseeable future.*

### Public Works Infrastructure Program

*The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks, and culverts. This program consists of multiple categories, each with their own sub-projects. This year's request includes funding for street resurfacing, the sidewalk program, bridge repairs, storm drain capacity improvements and storm drain system repairs.*

### **Street Resurfacing**

*The Town has 279 lane miles of accepted road that require maintenance. The average lifecycle of a road is 15 to 20 years. Specialized surface treatments can be applied within this period of time to sustain or extend the lifecycle of the roadway based on usage. The Town targets 17 lane miles of road per year in order to resurface roads before they reach the end of their lifecycle. These roads are prioritized based on a pavement condition index (PCI). The Town targets roads with a PCI of less than 70 for resurfacing and specialized treatment, and less than 60 for repair and renovation. The primary strategy of this program is asphalt paving and incidental work, including asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings, and signs. Target funding for street resurfacing in FY2020 is \$924,550.*

### **Roadway Reconstruction**

*Town evaluates the sight distance, drainage, handicap ramps, sidewalks, subsurface utilities, public utility poles and overhead utilities of all roads. The physical condition of roads to be considered for full reconstruction includes shape, foundation and traffic volume. This is a multi-year process requiring surveying, designing, utility evaluation and construction. Some of the roads that may be targeted for full reconstruction in the future include: Marked Tree Road, Nehoiden Street, Kingsbury Street, sections of Central Avenue, and Webster Street from Dedham Avenue to South Street. No funding is allocated to the Roadway Reconstruction category in FY2020.*

### **Guardrail**

*Many of the Town's guardrails are noncompliant and the DPW is preparing a plan to systematically upgrade existing guardrails to make them both compliant and aesthetically pleasing. No funding is proposed for this category in FY2020.*

### **Sidewalk Program**

*This Program funds improvements to the network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham. Over half of the Town's sidewalks do not comply with current standards and require significant improvements, including the installation of handicapped ramps. Sidewalk improvements must comply with Federal and State laws and construction standards. Target funding for the sidewalk program in FY2020 is \$512,500.*

***Traffic Signal & Intersection Improvements***

*This Program will fund traffic signal improvements, intersection improvements, and new traffic signal installations where none currently exist. In FY2020, DPW will evaluate intersection prioritization for future projects.*

***Bridge Repairs***

*Surrounded on three sides by the Charles River, the Town jointly maintains a number of bridges with neighboring communities. The Massachusetts Bridge Inspection Program has identified a number of bridges that have some level of deficiency and has recommended repairs. Target funding for bridge repair in FY2020 is \$100,000 (Newell's Bridge on Central Avenue into Dover – Design).*

***Storm Drain Capacity Improvements***

*This Program provides funding to improve roadway drainage capacity. The Town's Stormwater Master Plan identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Since the issuance of the Stormwater Master Plan numerous multi-unit developments have been built in the Town of Needham. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstances dictate otherwise, FY2020 target funding of \$362,500 is planned for Ardmore Road and Hunnewell Street storm drain construction.*

***Storm Drain System Repairs***

*This Program provides funding to repair failing storm drainage infrastructure within Town easements that have been discovered through investigation work. These projects will include the replacement of existing culverts that have deteriorated over time and are restricting flow. This work will eliminate flooding and capacity issues in the immediate vicinity. Unless circumstances dictate otherwise, FY2020 funding in the amount of \$270,000 is targeted for construction activities at 470 South Street.*

***Brooks and Culverts – Repair and Maintenance***

*Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of useable abutting property and flooded basements. No funding is proposed for this category in FY2020.*

***DPW Specialty Equipment***

<i>Unit</i>	<i>Division</i>	<i>Year</i>	<i>Replacement</i>	<i>Amount</i>
351	Parks & Forestry/DPW	2002	Tractor to be replaced in kind	\$68,000

***Traffic Improvements***

*This funding would support projects that are recommended by the DPW and the Traffic Management Advisory Committee (TMAC). These recommendations include items such as permanent speed monitoring devices, traffic calming measures, and school zone enhancements. The proposed funding will support one or two construction-related requests per year, such as 500 feet of roadway granite curb installation, two school zone installations, two average traffic calming installations, several radar sign installations or sign and/or pavement markings.*

#### Transfer Station Property Improvements

*This request is to fund improvements to the Recycling & Transfer Station (RTS) facility to increase efficiency, comply with regulatory requirements, and improve the facility function. Presently the RTS is accessible to the public after hours. The installation of fencing will minimize public access and increase security. The Town is under obligation to separate the composting operations from the wetlands. Finally, the installation of an extended scale will accurately determine the weights of materials being shipped out of or dropped off at the RTS.*

#### Town Multi-Function Printer Devices

*This funding will allow for the replacement of multi-function copier/printers in the four primary Town locations (Town Hall, Public Services Administration Building, Public Safety, and Center at the Heights) as part of a planned replacement schedule. There are nine of these devices, only three of which were not purchased as part of the original construction project. Several of these devices are currently over six years old, and one over eight years old. The cycle for replacement of these multi-function printers is seven years.*

#### Town Office Furniture Replacement

*Furniture in heavy use is in need of replacement at the Public Services Administration Building and Town Hall, which opened in 2010 and 2011 respectively. The \$25,000 requested in Fiscal Year 2020 will allow for the purchase of replacement furniture including tattered audience chairs in Powers Hall and the conference tables in the Public Services Administration Building.*

#### Building Management System Upgrade

*The Town maintains a Building Management System (BMS) to manage the heating, ventilation, and air conditioning (HVAC) for all major facilities throughout Town. This system consists of internal sensors in the HVAC components and a back-end software product that allows Building Maintenance staff to review and diagnose HVAC issues both remotely and on-site. This system is critical to the maintenance of healthy air temperature within the buildings. Currently, the Town has three separate systems. This request is to upgrade and standardize all of the existing systems so that the Town is only maintaining one system. The system will work with all of the controls in all buildings, with the exception of the Newman School, which will require a conversion of the controls in order for this new system to communicate. The new system will simplify the hardware and software in each building, be more user friendly, and allow integration with the afterhours permitting system.*

#### General Fund Fleet Replacement Program

*The Town's fleet replacement program was established in FY2015. The program includes a budget and schedule for the Town's rolling stock fleet of appropriately 220 vehicles, trailers, and large specialized attachments and the School Department fleet of 14 vans and buses. General purpose vehicles include pickup trucks, a variety of sedans, SUV's, vans, and police vehicles (87). They comprise approximately 39 percent of the entire fleet. General purpose vehicles are utilized in every department and are relatively inter-changeable. The replacement of these vehicles can proceed on a regular schedule and should be part of the of the Town's recurring costs. The Town relies on a number of trailers for the purpose of moving tools and equipment, hauling trash and debris, and transporting special equipment. The Town has 47 trailers which represents approximately 23 percent of the fleet. Specialized, high value vehicles and snow and ice equipment comprise the other 38 percent of the fleet. These vehicles and equipment are just as integral to Town operations as the general purpose vehicles, but serve the unique purposes of specific departments or divisions. Included in this group are the high value vehicles such as ambulances, large dump trucks, fire engines, street sweepers, and others for which appropriations need to be planned. Unless circumstances require otherwise, the proposed FY2020 fleet replacement schedule is as follows.*



General Fund Fleet Program – General Purpose Vehicles

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
457	Building	2006	Ford Taurus to be replaced by Toyota FAV4 or similar	\$33,085
C-42	Fire	2013	Explorer to be replaced by an SUV	\$35,249
2	Fleet/DPW	2010	Ford F150 to be replaced in kind	\$37,060
92	Engineering/DPW	2012	Ford Explorer to be replaced by Ford Van	\$41,550
57	Highway/DPW	2012	Ford F350 to be replaced in kind	\$63,804
705	Building Maintenance/DPW	2006	Ford E250 to be replaced by Ford F150	\$37,060
715	Building Maintenance/DPW	Addition to Fleet	Ford Van	\$43,709
56	RSD/DPW	2010	Ford F150 to be replaced by Ford F250	\$50,332
Bus 14	Needham Public Schools	2012	School Bus to be replaced in kind	\$81,942
Van 1	Needham Public Schools	2011	Ford E150 Van to be replaced by similar passenger van	\$38,388
Van 2	Needham Public Schools	2011	Ford E150 Van to be replaced by similar passenger van	\$38,388

General Fund Fleet Replacement – Specialized Equipment

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
256	Parks & Forestry/DPW	2008	Brush Bandit Chipper	\$64,936
38	Parks & Forestry/DPW	2007	Aerial Lift	\$274,434

General Fund Fleet Replacement – Snow & Ice Equipment

UNIT	DIVISION	YEAR	REPLACEMENT	AMOUNT
102	Highway/DPW	2008	Large Tractor to be replaced in kind	\$252,140
107	Highway/DPW	2008	Sidewalk Tractor Plow to be replaced in kind	\$178,571

#### Truck Classification

Class 1 = Smallest Pick-up Trucks 6,000 lbs.

Class 2 = Full Size or 1/2 Ton Pick-up Trucks 6K to 10K lbs. (ex Ford F150 and F250)

Class 3 = Heavy Duty Pick-up Trucks 10K to 14K lbs. (ex Ford F350)

Class 4 = Medium Size Work Trucks 14K to 16K lbs. (ex Ford F450)

Class 5 = Medium Job Trucks 16K to 19.5K lbs. (ex Ford F550)

Class 6 = Medium to Large Trucks 19.5K to 26K (ex Ford F650)

Class 7 = Heavy Duty Trucks 26K to 33K (ex Ford F750) Requires Class B Commercial

Class 8 = Largest Heavy Duty Trucks 33K lbs. or more (ex 18-wheeler)

#### Personal Protective Equipment – Bunker Gear

*This request is to replace Personal Protective Equipment ("PPE" or "bunker gear") for 20% of all firefighting personnel on an annual basis. The PPE requested includes boots, firefighting pants and coat. Firefighting personnel regularly work in toxic environments caused by spills, chemical releases and the products of combustion. Further, the toxicity of these carcinogens appears to be greater and more concentrated, due to the widespread use of synthetic and petroleum based building materials and furnishings found in modern construction. These contaminants, chemicals, toxins and carcinogens adhere to firefighters' bunker gear, thus creating a lingering exposure concern. Current safety practices dictate that firefighters be issued two sets of PPE, so that once contaminated the equipment can be washed and dried in equipment designed specifically for that purpose. Maintaining a second set of PPE allows for contaminated equipment to be washed and dried properly, while allowing personnel to remain available to respond to calls.*

#### Police and Fire Mobile And Portable Radios

*Radios are the primary communication tool between Fire and Police staff in the field and the dispatch center. Current radios have been discontinued by the manufacturer, or are at the end of their useful life. This funding will support the replacement of Police cruiser radios, Police portable radios, Fire portable and mobile radios, and Emergency Management portable radios.*

#### Police and Fire Mobile And Portable Radios

*Radios are the primary communication tool between Fire and Police staff in the field and the dispatch center. Current radios have been discontinued by the manufacturer, or are at the end of their useful life. This funding will support the replacement of Police cruiser radios, Police portable radios, Fire portable and mobile radios, and Emergency Management portable radios.*

#### Public Safety Desktops, Printers And Peripherals

*This request is to provide hardware for locations within the new public safety buildings. An estimated ninety (90) desktops and laptops are required. The majority of this hardware is located in the Fire Department, where there are few if any devices available currently. Often staff members in both Police and Fire are sharing equipment, requiring them to wait for others to finish their work. There are no available desktops or laptops for officers to use for online training or meetings.*

#### Public Safety Mobile Devices

*This funding will replace laptops and tablets that are used in the Needham Police and Fire Department Vehicles. The hardware is used to access multiple applications during daily operations. The hardware communicates with the Public Safety CAD software as well as State and Federal databases. The devices themselves are hardened military specification hardware manufactured for use in more intensive environments than normal off the shelf hardware.*

#### Energy Efficiency Upgrade Improvements

An energy efficiency study was conducted for ten municipal buildings in 2011. The results of this study illustrate that if the Town makes an investment in recommended energy upgrades, the cost of these upgrades will pay for themselves within ten years. Unless circumstances require otherwise, FY2020 improvements will include the installation of bi-lighting throughout the building hallways to improve lighting at the Pollard Middle School, and the retro-commissioning of the HVAC at the High Rock School.

#### High School Locker Reconfiguration

This funding would support the reconfiguration of student physical education lockers at Needham High School to accommodate the increased student population. Currently, there are 508 lockers at the High School. The project will add 111 lockers in the boys' locker room and 104 lockers in the girls' locker room. Currently, each locker room has small, medium and large lockers. The reconfiguration would remove the doors and frames from the medium and large lockers, and would create three new, small lockers from every two medium lockers, and three new small lockers from every one large locker. (The existing small lockers would remain unchanged.) Additionally, a new bank of 30 lockers would be added in the boys' locker room, and 24 new lockers will be added in the girls' locker room.

#### Mitchell School Restroom Upgrades

There are currently six restrooms at the Mitchell that are not ADA/MAAB accessible. Many of the existing plumbing fixtures are 40 to 60 years old. The current stalls are not the proper size and do not have grab bars, the urinals and dispensers are not set at the proper height, the sinks do not have insulated pipes, and the restrooms do not have the minimum clearance or appropriate turning radius. The restrooms will be upgraded to meet ADA/MAAB requirements.

#### Newman Preschool Playground Custom Shade Shelter

The Newman Preschool playground is situated in a part of the school that has constant sunlight. Access to the playground is limited to cloudy days or to mild weather, given that there is no available shade. About half of the children who attend the preschool are identified as having special needs, and many struggle with their social-emotional skills. A custom shade shelter would increase the students' comfort and access to the playground, which in turn would create more meaningful social opportunities for them during the day.

#### Newman School Gym Floor

The floors at the Newman School gym are original to the building. Over the years, they have been subject to buckling. This buckling has accelerated in the past few years, making the conditions in the gym potentially unsafe. Due to the presence of asbestos-containing materials in the subfloor, temporary repairs are not possible. The existing flooring will be removed, the asbestos containing materials will be abated, and new wood sports flooring will be installed.

#### Pollard School Blue And Green Gym Score Boards

The Department is in the process of designing upgrades for both the Blue and Green gyms at the Pollard Middle School. These upgrades include replacement of the rubber flooring, replacement of siding, painting, and installation of padding, backboards, and winch mechanisms on the basketball hoops. In the Green gym, two sections of pull-out seating will be installed to accommodate classes. After those upgrades are made, the existing scoreboards will need to be replaced – they are beyond their useful life and the technology is outdated. They also contain incandescent bulbs, which are not energy efficient. The scoreboards in both gyms will be replaced with updated, electronic LED scoreboards. Shot clocks will be installed that have wireless controls and technology.

#### School Furniture & Equipment

*In FY2005, Town Meeting approved funding to begin the replacement of furniture in poor and fair condition throughout the School Department. By FY2015, all furniture in poor condition was replaced in the schools. The FY2020 funding request will continue the replacement of furniture in fair condition at the Pollard School, provide funding for new classroom furniture as needed, and will address targeted furniture needs at Eliot and Mitchell Schools.*

#### School Master Plan Supplement

*Capital planning for the School Department has grown increasingly complex, given the pressing needs of accommodating Full-Day Kindergarten, providing capacity for a growing enrollment, and repairing and renovating aging facilities. These needs have made it difficult for the School Committee to prioritize the capital needs on the planning horizon. Meeting the identified needs within available resources and reasonable timeframes will require the School Department to carefully consider all of the possibilities and options for prioritizing and scheduling building projects going forward. The proposed study would develop recommendations for long-range school capital plans under different enrollment scenarios/trajectories and the practical considerations of aging buildings. Potential recommendations could involve other buildings and/or non-building solutions like redistricting.*

#### School Photocopier Replacement

*In May of 2003, Town Meeting authorized first year funding to establish a replacement cycle for school photocopiers. School photocopiers are located in all the schools and the administration building, and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, teaching packets etc. Currently the School Department owns 45 copy machines. Copier replacement is planned on a life-cycle basis, which projects when a copier should be replaced based on actual usage and the manufacturer's total estimated capacity. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. This analysis assumes that copiers can be re-deployed around the District as needed, to better match projected usage with equipment capacity.*

#### School Technology Replacement

*The FY2020 request would fund the purchase of School Department technology, including desktop computers, printers, interactive white boards (IWBs), specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The FY2020 request consists of \$519,350 for hardware (computers, printers, interactive white boards, door access controllers, projection screens and TV studio) and \$113,000 for infrastructure replacement (servers, network hardware, wireless data cabling and access points).*

#### Facility Assessment For Sustainable Building Management

*A facility assessment helps to guide major repairs and upgrades that may be required to ensure that older buildings remain sustainable. The Broadmeadow and Eliot Elementary Schools are approaching 20 years old, and may require upgrades beyond general maintenance. Many of the systems within the buildings, including heating, ventilation, and air conditioning (HVAC), boilers, and plumbing, are reaching the end of their useful life. A facility assessment will be conducted to determine the condition of the facility and to identify any major repairs and replacement needs.*

**ARTICLE 38:      APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$2,500,000 for athletic facility improvements for turf field replacement, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Athletic Facility Improvement Fund; or take any other action relative thereto.

INSERTED BY:   Select Board

FINANCE COMMITTEE RECOMMENDS THAT:   Article be Adopted

*Article Information: This article would fund synthetic turf field replacement at DeFazio Complex and Memorial Park. Each year, an impact test is performed on all artificial turf fields in Town. The most recent test shows that these fields are approaching the end of their useful life. The existing turf carpet will be removed, the fields will be regraded and new and more modern artificial field turf will be installed. The Town has been planning for the replacement of the turf fields through appropriations to the Athletic Facility Improvement Fund since 2012.*

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**ARTICLE 39:      APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$201,487 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

INSERTED BY:   Select Board

FINANCE COMMITTEE RECOMMENDS THAT:   Article be Adopted

**Article Information:**

**Sewer Pump Station Improvements**

The Town maintains nine sewer pump stations at elevations below the gravity system. Without these stations, sewage would not enter the Town's sewerage system at these locations. This project will fund the design and engineering of the replacement of the Lake Drive pump station. The pump station at this location is beyond its useful life and requires constant maintenance. The pumps are failing more frequently due to electrical or mechanical issues and require more personnel time and emergency funds to keep the station running. The plan is to replace the existing canister pump station with a new canister pump station.

**Sewer Fleet Replacement – Specialized Equipment**

Unit	Division	Year	Replacement	Amount
35	Sewer/DPW	1999	Catch Basin Cleaner to be replaced in kind.	\$201,487

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## **ARTICLE 40: APPROPRIATE FOR WASTEWATER SYSTEM REHABILITATION**

To see if the Town will vote to raise, appropriate and/or transfer the sum of \$1,600,000 for sewer system rehabilitation, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$800,000 be transferred from Sewer Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$800,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The Town recently completed a study identifying priority areas for inflow and infiltration removal for the next ten years. The Town of Needham, along with numerous other communities, is under Administrative Orders from the Department of Environmental Protection (DEP) to identify and remove Infiltration and Inflow (I/I) in existing sewer systems. Infiltration is defined as groundwater or storm water runoff that enters the system through deteriorated pipe or manhole structures that need to be repaired. Inflow is defined as clean, non-septic water, which is introduced to the system. This water is generally produced by residential sump pumps that drain basements. Unless circumstances require otherwise, this funding will support the design of the removal of the remaining locations of identified infiltration in the system by methods including replacing sewer manholes, lining sewer mains, replacing sewer mains and services, and testing and sealing joints.*

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## **ARTICLE 41: APPROPRIATE FOR WATER DISTRIBUTION SYSTEM IMPROVEMENTS**

To see if the Town will vote to raise, appropriate and/or transfer the sum of \$4,791,500 for Water Distribution System Improvements, including costs incidental or related thereto, to be spent under the direction of the Town Manager, including without limitation all costs thereof as defined in Section 1 of M.G.L. Chapter 29C, that to meet this appropriation that \$291,500 be transferred from Water Enterprise Retained Earnings, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$4,500,000 under M.G.L. Chapter 44, Section 7, M.G.L. Chapter 29C or any other enabling authority; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of the amount from the Massachusetts Clean Water Trust (MCWT) established pursuant to M.G.L. Chapter 29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a financing agreement and/or security agreement with the MCWT and/or loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager be authorized to contract with the MCWT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Select Board, Town Manager, or other appropriate local official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available for the project; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the

payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

Water System Rehabilitation

*Through the Water System Rehabilitation Program, the Town's water infrastructure is continually evaluated to assess functionality and performance, and to identify areas in need of repair. Water infrastructure requires ongoing attention and periodic replacement, and portions of the Town's water infrastructure are 75+ years old and approaching the end of their useful life. A diligent rehabilitation program encompassing maintenance, repair, and replacement ensures a continual supply of water to the public. The Department of Public Works prioritizes replacement of water pipes based upon pipe condition, water break history, and adequacy of water flow to fire hydrants. Unless circumstances require otherwise, the FY2020 funding will support the replacement of water mains on Bennington Street from High Street to Concord Street, Country Way, and Alder Book Lane, and the design of water main replacement under Rosemary Lake.*

Failing Lined Water Main Replacement

*The existing water line dates from 1936-1939 and is cast iron with bitumastic or coal tar liner. The lining of these pipes breaks down over time, causing discoloration in the water and concern for the water quality in the areas serviced by this line. The Town began addressing this issue in 2008, when there was approximately 19,000 linear feet of piping in need of replacement. This funding will complete the project and replace the remainder of existing pipe – 5,500 linear feet of 14" water main – with a new 16" water main on Central Avenue from the intersection of Pine Street, and Marked Tree Road to High Rock Street. This project will include replacing the pipe and reconstruction of the road.*

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## **TOWN RESERVE ARTICLES**

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**ARTICLE 42:      APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND**

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$75,000 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: *Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility*

*Improvement Fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park Field Complex. The balance in the fund as of December 31, 2018 was \$2,651,510.*

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**ARTICLE 43:      APPROPRIATE TO CAPITAL IMPROVEMENT FUND**

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$166,612 to the Capital Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Explanation: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital item(s) at times when ordinary funding sources are limited or not available. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The recommended appropriation of is equal to the amount that the Town received from the sale of surplus equipment during FY2017. This was one of the sources identified to be contributed to the fund. The balance in the fund as of December 31, 2018 was \$898,847.*

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**ARTICLE 44:      APPROPRIATE TO CAPITAL FACILITY FUND**

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2007 Annual Town Meeting under Article 10 approved the creation of the Capital Facility Fund, as part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by*



*appropriation, to reserve funds for design, maintenance, renovation, or reconstruction relating to the structural integrity, building envelope, or MEP (mechanical, electrical, plumbing) systems of then-existing capital facilities. The balance in the fund as of December 31, 2018 was \$1,862,233.*

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#### **ARTICLE 45:     APPROPRIATE FOR WORKERS COMPENSATION RESERVE**

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$283,706 to the Workers Compensation Reserve Fund, said sum to be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The balance in the Reserve as of December 31, 2018 was \$525,014.*

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### **GENERAL ARTICLES & CITIZENS PETITIONS**

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#### **ARTICLE 46:     AMEND GENERAL BY-LAW/SELECT BOARD**

To see if the Town will vote to amend the General By-Laws by To see if the Town will vote to amend its General By-laws by deleting where ever they appear the word "Selectmen" and the term "Board of Selectmen" and replacing them with the term "Select Board" except in Section 1.9 where the word "Selectmen" be replaced by the term "Select Board Members"; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The 2018 Annual Town Meeting approved a home rule petition to change the title of the Board of Selectmen to "Select Board." Chapter 341 of the Acts of 2018 changed the title in the entire Town Charter. Town Meeting action is needed to change the terms "Selectmen" and "Board of Selectmen" where they appear in the General By-Laws of the Town.*

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#### **ARTICLE 47:     AMEND GENERAL BY-LAW/ELECTION OF OFFICERS**

To see if the Town will vote to amend the General By-Laws by deleting Section 1.9 (k) and inserting in place thereof the following: "(k) Five members of the Board of Health for a term of three years."; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The 2018 Annual Town Meeting approved a home rule petition to change the number of members of the Board of Health from three to five. Chapter 341 of the Acts of 2018 changed the composition of the Board of Health in the Town Charter. Town Meeting action is required to make the same change to the General By-Laws of the Town.*

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#### **ARTICLE 48: EXTINGUISH SEWER EASEMENT**

To see if the town will vote to authorize the Select Board to extinguish a sewer and drain easement from Greendale Avenue to the Route 128 Right-of-Way; more fully described in an order of taking number 1959-4, dated July 14, 1959 and recorded at the Norfolk County Registry of Deeds in Book 3743, Page 551; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

*Article Information: The developer of Modera Needham received a Comprehensive Permit issued by the Zoning Board of Appeals to allow the development of its project on Greendale Avenue. After the developer relocated the Town's sewer line at its expense, the Select Board authorized the developer to encroach on the existing sewer easement to construct the facility. This action by Town Meeting is required to authorize the Select Board to extinguish the existing sewer easement as it is no longer needed.*

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#### **ARTICLE 49: AMEND GENERAL BY-LAW/STRETCH ENERGY CODE**

To see if the Town will vote to amend its General By-Laws by adding thereto Section 3.10 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments, or modifications thereto, as set forth below; or take any action relative thereto.

##### **Section 3.10 STRETCH ENERGY CODE**

###### **3.10.1 Definitions**

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**3.10.2 Purpose** The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

**3.10.3 Applicability** This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

**3.10.4 Stretch Energy Code** The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this section.

**3.10.5 Enforcement** The Stretch Energy Code is enforceable by the Building Commissioner effective January 1, 2020.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information:

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## **ARTICLE 50: HOME RULE PETITION – TOWN MEETING**

To see if the Town will vote to authorize the Select Board to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that the legislation be adopted precisely as follows;

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by authority of same, as follows:

SECTION 1. Chapter 403 of the acts of 1971, as most recently amended by Chapter 341 of the Acts of 2018 be amended as follows:

In Section 11. Time, Notice, Conduct and Adjournment of Town Meeting, by striking out the first paragraph and inserting in its place the following paragraph: “The annual town meeting for the election of town officers and such other matters as may be voted on the official ballot thereof shall be held in February, March, April or May of each year, on a date fixed by by-law. The annual town meeting for the transaction of business by the representative town meeting shall be divided into two business meetings. The first business meeting shall be held in May of each year and the second business meeting shall be held in November of each year, on dates fixed by by-law. Proposed amendments to the Needham Zoning By-Law shall be considered during the second business meeting.”

SECTION 2. This act shall take effect January 1, 2020.

Or take any other action relative thereto.

INSERTED BY: Joshua Levy, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

**ARTICLE 51: HOME RULE PETITION – RESOLUTION TO CALL FOR THE UNITED STATES TO “PULL BACK FROM THE BRINK” AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET**

Moved, that Town Meeting adopt the following Resolution, or take any other action in relation thereto:

**RESOLUTION TO CALL FOR THE UNITED STATES TO “PULL BACK FROM THE BRINK” AND PREVENT NUCLEAR WAR—AN EXISTENTIAL THREAT TO THE FUTURE OF HUMANITY AND THE PLANET**

WHEREAS, since the height of the Cold War, the United States and Russia have dismantled more than 50,000 nuclear warheads, but approximately 15,000 of these weapons still exist and, thus, still pose an intolerable risk to human survival; and

WHEREAS, approximately 95 percent of these weapons are in the hands of the United States and Russia, while the remainder are held by 7 other countries, namely, China, France, Israel, India, North Korea, Pakistan, and the United Kingdom; and

WHEREAS, nuclear war would directly kill hundreds of millions of people and cause unimaginable environmental damage; and

WHEREAS, there is a high probability that such a nuclear war would lead to catastrophic climate disruption dropping temperatures across the planet to levels not seen since the last ice age, thus resulting in the starvation of the vast majority of the human race, quite possibly leading to our extinction and the extinction of multiple other species; and

WHEREAS, even the use of a tiny fraction of these weapons would cause worldwide climate disruption and global famine; e.g., as few as a 100 Hiroshima-sized bombs (small by modern standards) would put at least 5 million tons of soot into the upper atmosphere and cause climate disruption across the planet, cutting food production and putting 2 billion people at risk of starvation; and

WHEREAS, despite the popular notion that these arsenals exist solely to guarantee they will never be used, on multiple occasions nuclear armed states have proceeded to the brink of using these weapons, and their use was narrowly averted; and

WHEREAS, former Defense Secretary Robert McNamara—speaking about the Cuban Missile Crisis in The Fog of War—said, “It was luck that prevented nuclear war”; and

WHEREAS, our nuclear policy must NOT be subject to the whims of “luck;” and

WHEREAS, the growing climate crisis is stressing communities around the world and intensifying the likelihood of conflict, and, thus, the danger of war and the possibility of escalating to nuclear war; and |  
WHEREAS, the planned expenditure of more than \$1 trillion dollars to enhance the U.S. nuclear arsenal will not only increase the risk of nuclear disaster but also fuel a global arms race and divert crucial resources needed to assure the well-being of the American people and people all over the world; and

WHEREAS, in July 2017, 122 nations called for the elimination of all nuclear weapons by adopting the Treaty on the Prohibition of Nuclear Weapons.

**BE IT RESOLVED THAT** the Town of Needham, Massachusetts, acting through its elected Representative Town Meeting, calls upon our federal leaders and our nation to make nuclear disarmament the centerpiece of U.S. national security policy and to work toward the goal of signing the Treaty on the Prohibition of Nuclear Weapons.

**BE IT FURTHER RESOLVED** that Town Meeting, calls upon our federal leaders and our nation to spearhead a global effort to prevent nuclear war by:

- renouncing the option of using nuclear weapons first;
- ending the president's sole, unchecked authority to launch a nuclear attack;
- taking U.S. nuclear weapons off "hair-trigger" alert;
- cancelling all plans to add weapons to the U.S. nuclear arsenal that would make it more likely that leaders will initiate nuclear war; and
- actively pursuing a verifiable agreement among nuclear armed states to eliminate their nuclear arsenals.

**BE IT FURTHER RESOLVED** that Town Meeting requests that the Town Clerk send a copy of the Resolution adopted by Town Meeting to our U.S. Congressional Representative Joseph P. Kennedy, III, U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and President Donald J. Trump.

INSERTED BY: Joseph McCabe, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information:

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## **ARTICLE 52: OMNIBUS**

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Select Board

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And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least 7 days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 12th day of February, 2019.

**DANIEL P. MATTHEWS, Chair**  
**JOHN A. BULIAN, Vice Chair**  
**MAURICE P. HANDEL, Clerk**  
**MATTHEW D. BORRELLI**  
**MARIANNE B. COOLEY**

*Select Board of Needham*

A true copy,  
ATTEST \_\_\_\_\_ 2019

Constable (month) (day)

ATTEST \_\_\_\_\_ 2019

Constable (month) (day)

DRAFT 3.22.2019

Status of Articles 3.22.2019

#	Article	Status	BOS Position	FC Position	BOS	FC	CPC	Planning
1	Annual Town Election							
2	Committee and Officer Reports							
3	Establish Elected Officials' Salaries		Adopt	Adopt				
4	Fund Collective Bargaining Agreement/Needham Police Union							
5	Fund Collective Bargaining Agreement/Needham Police Superior Officers Association							
6	Fund Collective Bargaining Agreement/Needham Fire Union							
7	Appropriate for Needham Property Tax Assistance Program		Adopt	Adopt				
8	Appropriate for Senior Corps		Adopt	Adopt				
9	Appropriate for Compensated Absences Fund		Adopt	Adopt				
10	Appropriate for Temporary Staffing Program		Adopt	Adopt				
11	Appropriate for Park & Recreation Pool Staffing		Adopt	Adopt				
12	Appropriate for Public Communications Staffing		Adopt	Not Adopt				
13	Appropriate for Ridge Hill/Nike Site Consulting & Feasibility Study		Adopt	Adopt				
14	Appropriate for Town-Owned Land Surveys		Adopt					
15	Appropriate for Public Facilities Maintenance Program		Adopt	Adopt				
16	Downtown Snow Removal Pilot Program		Adopt	Adopt				
17	Appropriate for Small Repair Grant Program		Adopt					
18	Appropriate the FY2020 Operating Budget			Adopt				
19	Appropriate the FY2020 Sewer Enterprise Fund Budget		Adopt	Adopt				
20	Appropriate the FY2020 Water Enterprise Fund Budget		Adopt	Adopt				

Status of Articles 3.22.2019

#	Article	Status	BOS Position	FC Position	BOS	FC	CPC	Planning
21	Set the Annual Department Revolving Spending Limit		Adopt	Adopt				
22	Appropriate Transportation Improvement Fees		Adopt	Adopt				
23	Authorization to Expend State Funds for Public Ways		Adopt	Adopt				
24	Amend Zoning By-Law- Accessory Dwelling Unit							
25	Amend Zoning By-Law- Dimensional and Use Regulations for the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District							
26	Amend Zoning By-Law- Map Change to Chestnut Street Business District and Lower Chestnut Street Overlay District							
27	Amend Zoning By-Law- Map Change to Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District							
28	Amend Zoning By-Law- Self Storage Facilities in Mixed Use- 128 District							
29	Appropriate for First Baptist Church Porch Preservation							
30	Appropriate for Modernization and Redevelopment of Affordable Housing Consultant							
31	Appropriate for Fisher Street Trailhead Design							
32	Appropriate for Town Common Renovation Design							
33	Appropriate for Rosemary Lake Trail Project							
34	Appropriate for Cricket Field Renovations							
35	Appropriate for Playground Improvements							



Status of Articles 3.22.2019

#	Article	Status	BOS Position	FC Position	BOS	FC	CPC	Planning
36	Appropriate to Community Preservation Fund							
37	Appropriate for General Fund Cash Capital		Adopt	Adopt				
38	Appropriate for Athletic Facility Improvements		Adopt	Adopt				
39	Appropriate for Sewer Enterprise Fund Cash Capital		Adopt	Adopt				
40	Appropriate for Wastewater System Rehabilitation		Adopt	Adopt				
41	Appropriate for Water Distribution System Improvements		Adopt	Adopt				
42	Appropriate to Athletic Facility Improvement Fund		Adopt					
43	Appropriate to Capital Improvement Fund		Adopt					
44	Appropriate to Capital Facility Fund		Adopt					
45	Appropriate for Worker's Compensation Reserve		Adopt	Adopt				
46	Amend General By-Law/Select Board		Adopt	Adopt				
47	Amend General By-Law / Election of Officers		Adopt	Adopt				
48	Extinguish Sewer Easement		Adopt	Adopt				
49	Amend General By-Law/Stretch Energy Code							
50	Home Rule Petition- Town Meeting			No Position				
51	Home Rule Petition- Resolution to Call for the United States to "Pull Back From the Brink" and Prevent Nuclear War- An Existential Threat to the Future of Humanity and the Planet			No Position				
52	Omnibus							
	<b>STM</b>							
1								

Status of Articles 3.22.2019

#	Article	Status	BOS Position	FC Position	BOS	FC	CPC	Planning
2								
3								
4								
5								
6								
7								
8								



**Select Board  
TOWN OF NEEDHAM  
AGENDA FACT SHEET**

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**MEETING DATE: 3/26/2019**

<b>Agenda Item</b>	Committee Reports
<b>Presenter(s)</b>	Board Discussion

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>	
<b>2.</b>	<b>VOTE REQUIRED BY SELECT BOARD</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<b>(Describe backup below)</b>	
None	

Town of Needham  
Water Sewer Billing System  
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR  
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales: -\$74.30

Water Irrigation: \$0.00

Water Admin Fees: \$0.00

Sewer Sales: -\$69.90

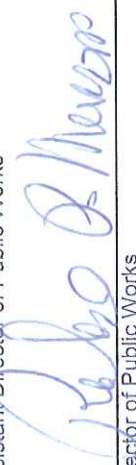
Transfer Station Charges: \$0.00

Total Abatement: -\$144.20

Order #: 1271

Read and Approved:

  
Assistant Director of Public Works

  
Director of Public Works

For the Board of Selectmen

3/26/19

**Town of Needham  
Water Sewer Billing System  
Adjustment Form**

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	De Andrade	Anna M	33903	25030	15	Summit Road	\$0.00	-\$64.95	-\$61.43	-\$126.38	ACC	N
DB	Gonzalez	Jennifer	42797	3932	26	Wilshire Park	\$0.00	-\$9.35	-\$8.47	-\$17.82	ACC	N
Total:										-\$144.20		

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

**Legend:**

O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.  
 TWN = Town Project caused damage to private property  
 EC = Extenuating Circumstances  
 Equip = Equipment Malfunction  
 UEW = Unexplained water loss  
 ACC = Accidental Water Loss  
 BP = Billing Period beyond 100 days  
 COA = Council on Aging

c-mailed 3/21/19

paid  
\$25  
check  
3/19/19  
sc.

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**  
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Marsha Smith
Event Manager Address	30 Undine Road, Brighton, MA 02135
Event Manager Phone Number	781-775-5740
Organization Representing (if applicable)	Ellen M. Gifford Sheltering Home Corporation
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: <u>Certificate of Exemption</u>
Name of Event	A Feline Affair to Remember
Date of Event	April 27, 2019
License is for Sale of:	
<input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)	
Requested Time for Liquor License	FROM: 5:30 PM TO: 9:30 PM
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ 50 /per ticket <input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES \$ 60 /per ticket <input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many people are you expecting at this event? <del>120-150</del> 150-175	
Name & address of event location. Please attach proof of permission to use this facility.  Powers Hall, Needham, MA	
Who will be serving the alcohol to your guests?  Yes	
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate). See Attached	
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan. Guests will be served alcohol from two pouring tables (one beer, one wine)	
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))	
Event Manager Signature:	Date: 3/19/19





GIFFORD CAT SHELTER  
INVITES YOU TO

# A FELINE AFFAIR TO REMEMBER

*A benefit to support homeless cats*

Saturday  
April 27 2019  
6 PM - 9 PM

Live music, silent  
auction, dinner,  
drinks and more!

Needham Town Hall  
1471 Highland Ave  
Needham, MA

For tickets and more information:  
[www.giffordcatshelter.org](http://www.giffordcatshelter.org)



**Town of Needham  
Select Board  
Minutes for March 12, 2019  
Needham Town Hall  
Select Board's Chamber**

6:15 p.m. Executive Session: Exception 3 - Potential Litigation

**Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.**

**Exception 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. To reconvene in Open Session at 6:45 p.m.**

**Second: Mr. Handel. Mr. Matthews polled the Board. Unanimously approved 5-0.**

6:45 p.m. Informal Meeting with Citizens: Josh Siegel, 14 Fairlawn Street spoke with the Board about establishing a quiet zone regarding MBTA trains. He said a quiet zone would make Needham "more livable" and be a welcome enhancement for residents. The Board told Mr. Siegel discussion and professional opinion has been sought on the topic, noting the cost is prohibitive with no guarantee of success, and that a quiet zone is not as safe as the current crossing system.

7:00 p.m. Call to Order:  
A meeting of the Select Board was convened by Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing: Alteration of Premises for a Wine and Malt License:  
Raji Spencer, Manager, French Press Bakery & Cafe, 74 Chapel Street appeared before the Board to discuss his application for an Alteration of Premises. The application is to serve wine and malt beverages on an outside patio consisting of 10 seats with proper barriers per local and state laws. Notification to abutters, legal advertisement of this hearing, and ABCC requirements have been completed. It was noted there are three houses of worship located within the 500' radius of proposed premises and M.G.L. chapter 138 section 16C requires a vote of the Board after a public hearing. No written comment was received by these houses of worship with respect to this hearing.

Ms. Fitzpatrick indicated paperwork is in order.



Mr. Borrelli said he likes the concept of outdoor seating, and asked Mr. Spencer to explain the benefit of having outdoor seating.

Mr. Spencer said expanding outdoor summer seating is desired and needed, and will benefit not only his business, but foot traffic for surrounding businesses. He commented on the requirement of a 4 ft. clearance for handicap accessibility. He said the application is seasonal, typically from the end of March to the end of November.

Mr. Matthews said people like outdoor seating, but he is concerned for pedestrians using the sidewalk. He suggested one row of outdoor seating, rather than two rows as proposed.

Mr. Spencer explained it is cost prohibitive and is not a practical business decision.

Discussion ensued on sidewalk clearance, removal of a pole in the proposed area, and seasonal timeframe.

Mr. Borrelli acknowledged the area is "tight," but seasonal outdoor seating would be a tremendous amenity for the Town. Mr. Handel, Ms. Cooley, and Mr. Bulian concurred.

Mr. Matthews invited public comment. No comments were heard.

Mr. Matthews said it is important to be cautious committing public space for private use, stating he must vote "no."

**Motion by Mr. Handel that a) the Board vote to approve the Alteration of Premises application of Raji Spencer of French Press Bakery and Cafe to allow the service of wine and malt beverages on an outside patio consisting of 10 seats with proper barriers on a seasonal basis per local and state laws, and to sign and forward application to the Alcoholic Beverages Control Corporation for its review and approval, and b) that the Select Board determines that the premises are not detrimental to the educational and spiritual activities of the Good Shepherd Christian Fellowship (owns property located at 235 Garden Street), Roman Catholic Archdiocese of Boston (St. Joseph's), and First Parish of Needham Unitarian Universalist.**

**Second: Mr. Borrelli. Approved 4-1. Mr. Matthews voted "Nay."**

7:17 p.m.

Appointments and Consent Agenda:

**Motion by Mr. Bulian that the Board approve the Appointments and Consent Agenda as presented.**

#### **APPOINTMENTS**

- 1. Traffic Management  
Advisory Committee (TMAC)**

**Rebecca Tarantino (term ends 6/30/2022)**

2. **Contributory Retirement Board    Sandra Cincotta (term ends 1/29/2022)**

**CONSENT AGENDA**

1. **Sign the Warrant for the Annual Town Election to be held on Tuesday, April 9, 2019.**
2. **Ratify a request for a One Day Special Wines and Malt Beverages license for Robert Timmerman II, of Needham Knights of Columbus who hosted its annual St. Patrick's Day Dinner on Saturday, March 9, 2019 from 6:00 p.m. to 11:00 p.m. The event was held at Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
3. **Accept the following donations made to the Needham Health Department's Gift of Warmth Fund: \$130 from the First Baptist Church in Needham; and \$100 from Patricia Carey, a Needham resident.**
4. **Accept a \$100 donation made to the Needham Fire Department's Student Awareness of Fire Education program from Mr. & Mrs. Edward F. White, Needham residents.**
5. **Approve a One Day Special Wines and Malt Beverages license for Sarah Mesnik of Temple Beth Shalom to host "That 70's Dance Purim Reprise" event on Saturday, March 23, 2019 from 7:00 p.m. to 10:30 p.m. The event will be held at the Temple Beth Shalom, 26 Dartmouth Avenue, Needham.**
6. **Accept the following gifts received by the Needham Public Library for the period of November 1, 2018 to February 28, 2019: The Stuttering Foundation donated the following DVDs: Therapy in Action: The School-Age Child Who stutters (\$24.00), and Stuttering and Your Child: Help for Parents (\$10.00); Lyubov Filatova gave the library a 10% commission from the sale of photographs that were displayed in the library (\$8.00); Claire Blum donated \$15.00 for the purchase of a book in memory of her mother; Frances Wolff donated \$60.00 for the purchase of large print books; Ellen Fisher donated the following books: The Hardy Boys: The Infinity Clue (\$2.50), The Hardy Boys: Cave-In! (\$3.50), and The Hardy Boys: Tic-Tac-Terror (\$3.50); Darlene Diodato gave the Children's Room a copy of The Benefits of Being an Octopus by Ann Braden (\$16.99); Tara Milligan donated the puzzle Petunias (\$12.00); Mae Alwart gave the Children's Room copies of the following books: Otherwise Known as Sheila the Great by Judy Blume (\$5.99), The Haunted Library by Dori Hillestad Butler (\$7.99), Case of the Mossy Lake Monster by Michele Torrey (\$6.95), Andrew Lost On the Dog by J.C. Greenburg (\$3.99), Traitor in the Shipyard by Kathleen Ernst (\$6.95), and Nancy Drew and the Clue Crew by Carolyn Keene (\$5.99); Erik Pederson donated the following puzzles: Souvenir Plates: From Sea to Sea (\$20.00), Travel by Train (\$25.00), Best Sellers (\$20.00), Candy Wrappers (\$18.00), It's a Small World (\$15.00), Cartoon World: Landmarks of the United States (\$14.00), Boston (\$9.00), Charles Wysocki's Americana (\$14.00); Nancy Teich donated four puzzles: Harry Potter, Quidditch (\$19.00), Amazing Nature: African Beasts (\$13.00); At the dog Park (\$18.00); Rainbow Marbles (\$14.00); Karla Barbieri gave the library the following puzzles: Krypt (\$22.00), Dragonforge (\$25.00), Smithsonian Hope Diamond (\$17.00); Joyce Morgan donated two books on**

orchids: Understanding Orchids by William Cullina (\$40.00), and Orchids by Alice Skelsey (\$30.00); Todd Krieger gave the library a copy of his children's book, Bunny Tree (\$6.49); The following people made donations to the library in memory of William Powers: Mr. & Mrs. Bill Drake (\$50.00), Greg & Marilyn Shesko (\$50.00), Elizabeth Mela (\$100.00), Joan Harris (\$30.00), and Ted & Doris Weiner (2 books - \$54.00); Wellesley Books sent a 10% commission from the sale of books at the Hannah Orenstein Lecture (\$39.60); and the Needham Community Council renewed the library's subscription to Easy English News (\$40.50).

7. Amend Policy Number: BOS-PERS-003 by extending the Opt-Out Incentive Program under Section 10(f) from June 30, 2019 to June 30, 2021.
8. Approve Open Session minutes from February 26, 2019.
9. Approve a request from Liz Mingle, of PMC- PanMass Challenge, to hold its PMC Kids Ride Needham event on Sunday, June 9, 2019 from 7:00 a.m. to 2:00 p.m. The bike route begins and ends at the Pollard Middle School on Harris Avenue. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation. Approval for use of the parking lot at Pollard is pending.
10. Water & Sewer Abatement Order #1270
11. Approve a One Day All Alcoholic Beverages License for Julie Richmond of the Charles River YMCA, to host its YMCA Giving Gala on March 23, 2019 from 6:00 p.m. to 11:00 p.m. Issuance of license is subject to receipt of required completed paperwork. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.
12. Approve a request from Kati Sigel, of Three Squares New England, who is organizing its annual fundraiser "The Ride for Food" bike ride to benefit food pantries in numerous communities including Needham, to have a portion of its ride to go through Needham. The event is scheduled for October 6, 2019 from 8:00 a.m. to 12:00 p.m. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation.
13. Approve proration of the permit parking fee for PEX Health & Fitness LLC based on the number of months remaining in the permit period.
14. Approve a Special One Day Wines and Malt Beverages license for Maxwell Sparr of Trip Advisor, to host a St. Patrick's Day event on Thursday, March 1, 2019 from 4:00 p.m. to 7:00 p.m. The event will be held at Trip Advisor, 400 1st Avenue, Needham.
15. Approve a Special One Day Wines and Malt Beverages license for Maxwell Sparr of Trip Advisor, to host a Peer 150 HR Reception event on Thursday, April 4, 2019 from 4:00 p.m. to 9:00 p.m. The event will be held at Trip Advisor, 400 1st Avenue, Needham.
16. Approve a 20B Exemption for Ben Aronson who is an employee in the Needham Youth & Family Services Division to engage in work with the Health and Human Services Department as the Intake Clinician for Needham's Youth Diversion Program.
17. Grant permission for the following residents to hold block parties:

Name	Address	Party	Party	Party	Party
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		Location	Date	Rain Date	Time
Jody Doherty	207 Garden Street	207 Garden Street	6/8/19	N/A	12pm-8pm

**Second: Mr. Handel. Unanimously approved 5-0.**

7:18 p.m.

Change of Hours - New Garden Restaurant:

Raymond So, Manager New Garden, Inc. d/b/a New Garden Restaurant, 40 Chestnut Place appeared before the Board to discuss an application for a change in hours. Mr. So is requesting New Garden's operational hours be extended on Thursday, Friday, and Saturday to 1:00 a.m.

Ms. Fitzpatrick said all paperwork is in order.

Mr. Matthews invited public comment. No comments were heard.

Mr. Borrelli asked Mr. So to explain why he is looking to extend the hours of operation to 1:00 a.m.

Mr. So said currently last call is at 11:45 p.m. and there is not enough time to clear patrons from the restaurant before 12:30 a.m., as required. He said the extra hour is for customer service, not to increase sales.

Mr. Matthews said he understands, but does not think an additional hour is in the public's interest to serve alcohol in the downtown after midnight. He said he cannot support the application.

Mr. Handel said he does not believe extended hours would lead to a significant change in alcoholic consumption or have a detrimental effect in the downtown. He said he favors the application.

Discussion ensued on current regulations including midnight closing, 11:30 p.m. last call, 11:45 p.m. end of serving, 12:30 a.m. table clearing, 12:45 a.m. patrons off premises, and 1:00 a.m. employees off premises, as well as potential time changes.

Ms. Cooley said she prefers that the closing time stay as is.

Mr. Borrelli said New Garden has a niche market, i.e. sports establishment, noting it is not good to rush people out of the restaurant before the end of a game and does not make sense from a business perspective.

Mr. Bulian said he is a patron of New Garden, but he does not favor 1:00 a.m. closing.

Mr. Matthews said he would want to know more about the general public's feeling, suggesting revising the application with a specific request, rather than one hour, that could be publicly advertised.

Mr. Matthew's invited public comment.

Dave Margolis, 42 Perrault Road commented he is a long time patron of New Garden and that it is illogical that patrons cannot finish watching a sporting event due to closing time.

**Motion by Mr. Borrelli that the Select Board approve and sign an application for a Change in Hours to Raymond So for New Garden Restaurant, 40 Chestnut Place, Needham and to forward this application to the ABCC for approval.**

**Second: Mr. Handel. Motion failed 2-3. Mr. Matthews, Ms. Cooley, and Mr. Bulian voted "nay."**

Ms. Cooley concurred with Mr. Matthew's suggestion that a specific request would be helpful. She commented approval may be possible for specific sporting events during the year, but more thought is needed.

7:40 p.m.

Sewer Rate Relief:

David Davison, Assistant Town Manager/Director of Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board to discuss Sewer Rate Relief. It was noted that at its September 25, 2018 meeting, the Board approved the application to apply for sewer rate relief from the Commonwealth of Massachusetts. The rate relief is offered to communities making sewer infrastructure improvements financed by debt. The State distributed \$1,100 to Needham for this purpose. A flat per account credit of \$0.09 is recommended. The credit would be applied on the first bill each account receives during the fourth quarter of FY2019.

Mr. Handel suggested \$0.09 is meaningless to the average rate payer, asking whether the money could be accumulated and used for residents seeking tax or sewer rate relief?

Mr. Davison said acceptance of the money from the Commonwealth is explicit, but that he would explore the possibilities for the next distribution.

Ms. Cooley concurred with Mr. Handel's suggestion of using the money to assist people who really need it.

Mr. Matthews said it is worth looking into creative ideas for using the money.

**Motion by Mr. Handel that the Board approve a one-time flat sewer rate credit of \$0.09 per account billed during the fourth quarter of FY2019 to reflect the State sewer relief money received from the Commonwealth.**

**Second: Mr. Borrelli. Unanimously approved 5-0.**

7:46 p.m.

Community Preservation Committee - Proposals Under Review:

Peter Pingitore, Chair CPC and Carys Lustig, Director of Administration & Finance, Public Services appeared before the Board to discuss projects before the CPC for funding consideration this year.

Mr. Pingitore reviewed the charge of the CPC and process for reviewing applications. He summarized current projects before the CPC for funding this year including the First Baptist Church Needham Great Plain Porch Preservation, Consultants to Achieve Modernization/Redevelopment of Affordable Housing, Design of Fisher Street Trailhead, Needham Rail Trail, Town Common Renovation, Passive Recreation Improvements - Dwight Field/Charles River Center, Rosemary Lake Projects, Cricket Field Fieldhouse, Cricket Field Renovation, and Playground Improvement Projects.

Mr. Matthews said it is a lot of work and all applications are pending.

Mr. Bulian said he is concerned about granting \$799,040 to the First Baptist Church, a private entity, when there are many other needs in Town.

Mr. Borrelli concurred with Mr. Bulian's concern regarding the First Baptist Church application, and supports all other applications. He commented specifically on the Playground Improvement Projects and that it is increasingly difficult for smaller groups to raise funds to help in a substantial way. He commented he would not want to see a small group's lack of funding prohibit improvements in the future, noting playgrounds are important for people of all ages and abilities.

Mr. Pingitore said lack of funds from a small group, as well as other funding, is considered when reviewing an application.

Mr. Handel pointed out the key words are "Community Preservation," i.e. preservation for the community for things that otherwise would not be done.

The Board thanked Mr. Pingitore and Ms. Lustig for the presentation.

8:10 p.m.

Dockless Bike Share Program Follow Up:

Carys Lustig, Director of Administration & Finance/Public Services and David Davison, Assistant Town Manager/Director of Finance updated the Board on the planned spring re-launch of the dockless bike share program.

Ms. Lustig referred to discussion at the Select Board meeting February 26, 2019, saying comments were well received by Lime Bikes. She commented on the deployment of bikes based on demand, rather than based on a number, noting Lime Bikes is considering a maximum number of 35-40 bikes in fewer staging locations around Needham. She stated Lime Bikes agreed to no longer stage bicycles on the

Town Common, other than 6 in the bike racks, as well as geo-fencing the Common. Ms. Lustig reviewed the statement of work, indicating Lime Bikes agreed bicycles would be removed from areas within 48 hours if they have not moved. She said contact information is on each bike, and the company also agreed to provide accident information.

Maps were viewed showing staging locations.

Mr. Borrelli asked whether Lime Bikes would reduce the number of bikes if they are not being used. He reiterated his concern of bicycles sitting on the Town Common while Lime Bikes is getting free advertising. He asked if the current agreement is on an annual basis.

Ms. Lustig commented Lime Bikes has a goal of two trips per vehicle per day. She said adjustments will be made based on the number of rides of both pedal and e-bikes. She said the Town will have access to the information.

Mr. Davison stated the Town will have the ability to modify the agreement annually with Lime Bikes, as will the MAPC, a partner, who is procuring the Agreement. He reiterated the Select Board will have an opportunity next year to reconsider the program.

Ms. Cooley commented she is surprised bikes are not at any of the MBTA stops, and suggested the Town send a letter of support for staging bikes at MBTA stops, noting insufficient MBTA parking in Needham.

Mr. Davison said Lime Bikes has not yet reached agreement with the MBTA to stage bikes on MBTA property.

**Motion by Mr. Handel that the Board support the Town's continued participation in the Regional Bike Share Program and the movement to all pedal-assist bicycles for the 2019 season, and to authorize the Town Manager to draft a letter in support of staging bikes at MBTA stops in Needham.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

Mr. Borrelli said he is willing to give the program another try, reiterating his concern for bikes being an eyesore when left around town.

The Board thanked Ms. Lustig and Mr. Davison for their work.

Mr. Davison credited Ms. Lustig for the progress made with Lime Bikes.

8:23 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with three items to discuss:

1. Utility Easement at 1407 Central Avenue

Ms. Fitzpatrick stated this petition for a new utility Pole, P. 170-1X will be installed at the median strip near the access drive to the Recycling and Transfer Station to accommodate the new Eversource Electrical Service and Verizon Telephone Service for the new Jack Cogswell Building located at 1407 Central Avenue, Needham. She noted this new pole and the aforementioned services are needed to provide the electrical power and telephone to the new building. All overhead lines, from this new pole will be routed to the new facility by (buried) underground conduits. She asked the Board approve and sign the grant of utility easement.

**Motion by Mr. Handel that the Board approve and sign the grant of utility easement to Verizon New England Inc. and NSTAR Electric Company d/b/a Eversource Energy to cover the placing of facilities at 1407 Central Avenue, Needham.**

**Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Borrelli suggested notifying Verizon regarding the removal of the pole outside of French Press Cafe.

2. Positions On Warrant Articles

Ms. Fitzpatrick reviewed with the Board warrant articles contained in the draft 2019 Annual Town Meeting Warrant dated March 8, 2019.

The Board took positions on the following articles.

Article 1 - Annual Town Election

Article 2 - Committee and Officer Reports

HUMAN RESOURCE ARTICLES

**Motion by Mr. Handel that the Select Board vote to support Article 3 - Establish Elected Officials' Salaries in the Annual Town Meeting Warrant.**

**Second: Mr. Bulian. Unanimously approved 5-0.**

Article 4 - Fund Collective Bargaining Agreement - Needham Police Union - Defer.

Article 5 - Fund Collective Bargaining Agreement - Needham Police Superior Officers Association - Defer.

Article 6 - Fund Collective Bargaining Agreement - Needham Fire Union - Defer.

FINANCE ARTICLES



**Motion by Mr. Bulian that the Select Board vote to support Article 7 - Appropriate for Needham Property Tax Assistance Program in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 8 - Appropriate for Senior Corps in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 9 - Appropriate for Compensated Absences Fund in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 10 - Appropriate for Temporary Staffing Program in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 11 - Appropriate for Park & Recreation Pool Staffing in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 12 - Appropriate for Public Communications Staffing in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 13 - Appropriate for Ridge Hill/Nike Site Consulting and Feasibility Study in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 14 - Appropriate for Town-Owned Land Surveys in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 15 - Appropriate for Public Facilities Maintenance Program in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 16 - Downtown Snow Removal Pilot Program in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 17 - Appropriate for Small Repair Grant Program in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

Article 18 - Appropriate the FY2020 Operating Budget in the Annual Town Meeting Warrant - Defer.

**Motion by Mr. Bulian that the Select Board vote to support Article 19 - Appropriate the FY2020 Sewer Enterprise Fund Budget in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 20 - Appropriate the FY2020 Water Enterprise Fund Budget in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 21 - Set The Annual Department Revolving Fund Spending Limit in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 22 - Appropriate Transportation Improvement Fees in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 23 - Authorization to Expend State Funds for Public Ways in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

#### ZONING/LAND USE ARTICLES

Article 24 - Amend Zoning By-Law - Highway Commercial 1 Zoning District - Defer.

Article 25 - Amend Zoning By-Law - Map Change to Highway Commercial 1 - Defer.

Article 26 - Amend Zoning B-Law - Accessory Dwelling Unit - Defer.

Article 27 - Amend Zoning By-Law - Dimensional and Use Regulations for the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District - Defer.

Article 28 - Amend Zoning By-Law - Map Change to Chestnut Street Business District and Lower Chestnut Street Overlay District - Defer.

Article 29 - Amend Zoning By-Law - Map Change to the Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District - Defer.

#### COMMUNITY PRESERVATION ACT ARTICLES

Article 30 - Appropriate for First Baptist Church Porch Preservation - Defer.

Article 31 - Appropriate for Modernization and Redevelopment of Affordable Housing Consultant - Defer.

Article 32 - Appropriate for Fisher Street Trailhead Design - Defer.

Article 33 - Appropriate for Town Common Renovation Design - Defer.

Article 34 - Appropriate for Passive Recreation Improvements - Defer.

Article 35 - Appropriate for Rosemary Lake Trail Project - Defer.

Article 36 - Appropriate for Cricket Fieldhouse Renovations - Defer.

Article 37 - Appropriate for Cricket Field Renovations - Defer.

Article 38 - Appropriate for Playground Improvements - Defer.

Article 39 - Appropriate to Community Preservation Fund - Defer.

#### CAPITAL ARTICLES

**Motion by Mr. Bulian that the Select Board vote to support Article 40 - Appropriate for General Fund Cash Capital in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 41 - Appropriate For Athletic Facility Improvements in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 42 - Appropriate for Sewer Enterprise Fund Cash Capital in the Annual Town Meeting Warrant.**

**Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 43 - Appropriate for Wastewater System Rehabilitation in the Annual Town Meeting Warrant.**

**Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 44 - Appropriate for Water Distribution System Improvements in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

#### TOWN RESERVE ARTICLES

**Motion by Mr. Bulian that the Select Board vote to support Article 45 - Appropriate to Athletic Facility Improvement Fund in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 46 - Appropriate to Capital Improvement Fund in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 47 - Appropriate to Capital Facility Fund in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 48 - Appropriate for Workers Compensation Reserve in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

#### GENERAL ARTICLES & CITIZENS PETITIONS

**Motion by Mr. Bulian that the Select Board vote to support Article 49 - Amend General By-Law/Select Board in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Select Board vote to support Article 50 - Amend General By-Law/Election of Officers in the Annual Town Meeting Warrant.**

**Second: Mr. Handel. Unanimously approved 5-0.**

Article 51 - Adopt M.G.L. C. 44 Section 53F 1/2 - Stormwater Enterprise Fund - Defer.

**Motion by Mr. Bulian that the Select Board vote to support Article 52 - Extinguish Sewer Easement in the Annual Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

Article 53 - Amend General By-Law/Stretch Energy Code - Defer.

Article 54 - Home Rule Petition - Town Meeting - Defer.

Article 55 - Home Rule Petition - Resolution to Call for the United States to "Pull Back From the Brink" and Preserve Nuclear War - An Existential Threat to the Future of Humanity and the Planet - Defer.

Article 56 Amend Zoning By-Law - Self Storage Facilities in Mixed Use-128 District - Defer.

Article 57 - Omnibus - Defer.

3. Town Manager's Report

Ms. Fitzpatrick told the Board she, along with Mr. Matthews and Mr. Bulian met with the mayor of the City of Newton last week discussing shared transportation issues and goals. She said discussions will be ongoing.

Ms. Fitzpatrick also said Needham is planning a transportation summit in June 2019 for committee members and people interested in giving suggestions about transportation priorities before the Board sets its goals this summer.

Ms. Fitzpatrick told the Board the Joint Ways and Means Committee held a full day public hearing yesterday in Powers Hall. She said many legislators attended the event. It was noted two students from Needham High School sang the Star Spangled Banner as part of the opening ceremony. Ms. Fitzpatrick said Senator Rush, Senator Rausch, and Representative Garlick attended.

Ms. Fitzpatrick reported colleagues from Andover and North Andover came to Needham and made a presentation to Town representatives about the gas explosions in the Merrimack Valley on September 13, 2018. She said the presentation was incredibly well received, with stories of management, leadership, and lessons learned during the crisis. She said part of the discussion concerned the importance of emergency management and having a dedicated public information officer, which she said Needham is looking to fund in the FY2020 budget.

8:52 p.m. Board Discussion:

1. Committee Reports

Mr. Handel reported the Council of Economic Advisors is looking for direction from the Select Board regarding some of the Town Meeting warrant articles. He commented the steering committee for the N-Squared Innovation District continues to meet, discussing ways to solve transportation issues in the area. He said colleges and universities are being made aware of the value of the district through various events that bring students and faculty together with businesses. Mr. Handel commented a major fundraising effort is underway.

8:53 p.m.

Adjourn:

**Motion by Mr. Handel that the Select Board adjourn the Select Board meeting of March 12, 2019.**

**Second: Mr. Borrelli. Unanimously approved 5-0.**

A list of all documents used at this Select Board meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>